Decision of

THE ONTARIO MUNICIPAL BOARD

Re:

Referrals of Parts of The
1988 Regional Plan

Regional Municipality of Ottawa-Carleton

1991

DB 88
F/

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

O 840138	O 890125
O 840139	O 900022
R 850146	O 900100
S 860010	O 910032
R 890053	R 910120

91-07209/

IN THE MATTER OF Section 17(4) of the Planning Act, (R.S.O. 1980, c. 379)

- and -

IN THE MATTER OF a referral to this Board by the Minister of Municipal Affairs and Housing on a request by the Gloucester Equestrian Centre Limited for consideration of proposed amendment no. 36 to the Official Plan for the Ottawa-Carleton Planning Area to permit the development of a country lot estate subdivision
Minister's File No. 06-OP-0026-036
O.M.B. File No. O 840138

- and -

IN THE MATTER OF a referral to this Board by the Minister of Municipal Affairs and Housing on a request by the Gloucester Equestrian Centre for consideration of proposed amendment no. 37 to the Official Plan for the Ottawa-Carleton Planning Area to consider an amendment to Section 5.6.7 - Noise Pollution Policies
Minister's File No. 06-OP-0026-037
O.M.B. File No. O 840139

- and -

IN THE MATTER OF Section 17(11) of the Planning Act, 1983

- and -

IN THE MATTER OF a referral to this Board by the Regional Municipality of Ottawa-Carleton on a request by the Corporation of the City of Kanata for consideration of proposed amendment no. 29 to the Official Plan for the City of Kanata to change the land use designation of the lands shown on Schedules "A" and "B" of Amendment No. 29 from "Agricultural" and "Agricultural Resource" to "Estate Residential" and "Rural Residential" and amend associated policies
Region's File No. 14-18.47
O.M.B. File No. O 890125

- and -

IN THE MATTER OF referrals to this Board by the Minister of Municipal Affairs upon requests by the following persons for consideration of certain portions of the 1988

O 840138
O 840139
R 850146
S 860010
R 890053
O 890125
O 900022
O 900100
O 910032
R 910120

Official Plan for the Regional Municipality of Ottawa-Carleton:

A.) Referral Items 1, 2, 5, 6 and 28(a) and (b), described as follows: Those lands labelled as No. 28(a) and 28(b) and outlined in red on Schedules "A" and "B" and the following policies only insofar as they apply to these lands: Section 2.1.3, Section 2.1.4, Section 2.1.6, Section 2.2 - Policy 1(d), Section 2.2 - Policy 3, Section 2.2 - Policy 5, upon request by R. Sinha and M. Sinha;

B.) Referral Item 12, described as Section 5.1.3.3, Areas of Poor Land in Agricultural Resource Areas, upon request by R. Sinha, and the Regional Municipality of Ottawa-Carleton;

C.) Referral Item 8, described as Section 3.2.3.1, Policy 3, upon request by the Carlingwood Action Committee, and Allan Gregory;

D.) Referral Item 9, described as Section 3.2.3.1, Policy 2(b), upon request by Trilea Centres Incorporated and Sears Canada Incorporated;

E.) Referral Item 10, described as Section 3.2.3.2, Policy 7, upon request by Campeau Corporation, Shenkman Corporation and the Corporation of the City of Kanata;

F.) Referral Item 11, described as Section 5.1.3.2, Farm Severances in Agricultural Resource Areas, as it affects the City of Kanata, upon request by the Corporation of the City of Kanata;

G.) Referral Item 14, described as all those lands in the City of Kanata designated "Agricultural Resource Areas" as cross-hatched in red on Schedule "A" and labelled as No. 14(a), 14(b) and 14(c), upon request by the Corporation of the City of Kanata;

H.) Referral Items 4, 6 and 15, described as the lands in Part of Lots 21 and 22, Concession 4, Rideau Front, City of Gloucester, as outlined in red on Schedule "A" and labelled as No. 15, and the following policies only insofar as they apply to these lands: Section 2.2, Policies 1(f) and 5, upon request by Remer Holdings Limited;

I.) Items 4, 6 and 17, described as the land use designation of those lands in Part of Lot 22, Concession 5, Rideau Front, City of Gloucester, as outlined in red on Schedule "A" and labelled as No. 15, and the following policies only insofar as they apply to these lands: Section 2.2, Policy 1(f), and Section 2.2, Policy 5, upon request by Tanglewood Ottawa Limited;

J.) Referral Items 4, 6, 7 and 18(a) and (b), described as the land use designation of those lands in Part of Lots 17 and 18, Concession 5, Rideau Front, City of Gloucester, as outlined in red on Schedule "A" and labelled as No. 18(a), and the following policies only insofar as they apply to these lands: Section 2.2, Policies 1(f), 5 and 9; and the following policies only insofar as they apply to lands outlined in red and labelled as No. 18(b) on Schedule "B": Section 2.2, Policies 5 and 9, upon request of Arnell Goldberg and Jean-Paul Maheu;

K.) Referral Items 3, 6, 19(a) and (b), and 20, described as the land use designation of those lands in Part of Lot 25, Concession 9, Township of Goulbourn, as outlined in red on Schedule "A" and labelled as No. 20, and the following policies only insofar as they apply to these lands: Section 2.2, Policies 1(e) and 5; and the land use designation of those lands in Part of Lot 22, Concessions 9, 10 and 11, Township of Goulbourn, as outlined in red on Schedules "A" and "B" and labelled as

No. 19(a) and 19(b), respectively, upon request of W. Davidson;

L.) Items 3, 6, 19 and 21, described as the land use designation of those lands in Part of Lots 25, Concession 9, Township of Goulbourn, as outlined in red on Schedule "A" and labelled as No. 20, and the following policies only insofar as they apply to these lands: Section 2.2, Policies 1(e) and 5; and the land use designation of those lands in Part of Lot 22, Concessions 9, 10, and 11, Township of Goulbourn, as outlined in red on Schedules "A" and "B" and labelled on these schedules as No. 19(a) and 19(b), respectively, upon request of Kenneth Gibson;

M.) Items 3, 6, 19 and 22, described as the land use designation of those lands in Part of Lot 25, Concession 10, Township of Goulbourn as outlined in red on Schedule "A" and labelled as No. 22, and the following policies only as they apply to these lands: Section 2.2, Policies 1(e) and 5; and the land use designation of those lands in Part of Lot 22, Concessions 9, 10, and 11, Township of Goulbourn, as outlined in red on Schedules "A" and "B" and labelled on these schedules as Nos. 19(a) and 19(b), respectively, upon request of Ian MacDonald;

O.M.B. File No. O 900022

- and -

IN THE MATTER OF Section 17(11) of the Planning Act, 1983

- and -

IN THE MATTER OF a referral to this Board by the Regional Municipality of Ottawa-Carleton on a request by those identified below and others for consideration of the following portions of Amendment No. 60 to the Township of Goulbourn Official Plan:

1. The land use designation of those lands labelled "Referral

No. 1" on Schedule "A", upon request by Khatib and Thomas;

2. The land use designation of lands located in Lot 22, Concessions 9, 10 and 11, which are labelled "Referral No. 2" on Schedule "A", upon request by J.R. Bell and others;

3. The land use designation of the lands located in Part of Lot 23, Concession 10, labelled "Referral No. 3" on Schedule "A", upon request by J.R. Bell;

4. The land use designation of lands located in Part of Lot 10, Concessions 9 and 10, labelled as "Referral No. 4" on Schedule "A", upon request of W.R. Davidson;

5. The land use designation of lands located at the southwest corner of the Carp Road (Regional Road 5) and the West Carleton/Goulbourn Town Line, labelled as "Referral No. 5" on Schedule "A", upon request of Keith Morrison;

6. The land use designation on lands adjacent to the Hobin Street Extension, at the Wild Pine Court Development on Main Street, which lands are labelled "Referral No. 6" on Schedule "A", upon request of Lactana Developments;

7. The land use designation of that part of Schedule "A", being the approximate location of the Stittsville By-pass, which lands are labelled "Referral No. 7" on Schedule "A", upon request of W.R. Davidson and others;

8. The land use designation of lands owned by Mason Homes on Hazeldean Road, west of Hartin Street, which lands are labelled "Referral No. 8" on Schedule "A", upon request of Mason Homes Limited;

9. The land use designation of lands located in Part of Lot 22, Concession 10, which lands are labelled "Referral No. 9" on Schedule "A", upon request of J.R. Bell;

10. The land use designation of lands located in Part of Lot 22, Concession 10, and fronting on Fernbank Road, which lands are labelled "Referral No. 10" on Schedule "A", upon request of J.R. Bell
Region's File No. 14-31.76
O.M.B. File Nol. O 900100

- and -

IN THE MATTER OF Section 34(18) of the Planning Act, 1983

- and -

IN THE MATTER OF appeals by John Falbo, Tony Falbo, William Karook and others against Zoning By-law 222-23 of 1984 of the Corporation of the City of Gloucester
O.M.B. File No. R 850146

- and -

IN THE MATTER OF appeals by Allan Sharpley, J. Raymond Bell, Doris Cordukes and others against Zoning By-law 45-88 of the Corporation of the Township of Goulbourn
O.M.B. File No. R 890053

- and -

IN THE MATTER OF Section 50(15) of the Planning Act, 1983

- and -

IN THE MATTER OF a referral to this Board by the Regional Municipality of Ottawa-Carleton on a request by Gloucester Equestrian Centre Limited for consideration of a proposed plan of subdivision on lands comprising Part of Lot 16, Concession 3, in the City of Gloucester
Region's File No. 06T-81022
O.M.B. File No. S 860010

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1. INTRODUCTION

DECISION OF THE BOARD delivered by A. B. BALL and M. E. JOHNSON

1. INTRODUCTION

The Regional Municipality of Ottawa-Carleton was established on January 1, 1969, and derives its jurisdiction from what is now "The Regional Municipality of Ottawa-Carleton Act, R.S.O. 1980, c. 439", as amended from time to time. Pursuant to that Act, the Regional Municipality was required to adopt an Official Plan applicable to the whole Region. The Official Plan was adopted by the Regional Council on October 9, 1974 and, following lengthy hearings by the Ontario Municipal Board, together with certain modifications and appeals, was finally approved by Order in Council on August 15, 1979, and by order of the Ontario Municipal Board on October 11, 1979. That Official Plan is locally referred to as the "1974 Regional Plan", and with numerous subsequent amendments the Plan guided the development and growth of the Regional Municipality and its area municipalities.

In the early 1980's the Regional Municipality undertook an exhaustive review of the 1974 Regional Plan, and that review culminated with the adoption on July 13, 1988 of a new Official Plan, now locally referred to as the "1988 Regional Plan".

Pursuant to Sections 17(9) and 17(10) of the Planning Act, 1983, the Minister of Municipal Affairs modified the Plan in certain respects, deferred 8 items and, upon the request of various parties, referred an additional 35 items to the Ontario Municipal Board. The balance of the Plan, as modified by the Minister, was then approved by the Minister on September 28, 1989. Four of the deferred items have since been approved by the Minister. The Ontario Municipal Board set the matter down for public hearing to commence on November 5, 1990. Also scheduled for public hearing at the same time were a number of Official Plan amendments and zoning by-laws for some area municipalities, those being matters directly related to certain of the items referred to the Board by the Minister. All of the matters to be considered by the Board are detailed in the style of cause herein.

2. PRE-HEARING CONFERENCE

2. PRE-HEARING CONFERENCE

Because of the scope and complexity of the hearing scheduled for November 5, 1990, the Board convened a pre-hearing conference to hear preliminary submissions from all affected parties, and to determine scheduling and procedures to be followed for the hearing to commence on November 5, 1990.

The pre-hearing conference was convened at the Regional building in Ottawa on September 24-25, 1990, at which time it was determined that 32 legal counsel, 7 representatives of ratepayer associations, and 5 individual ratepayers wished to participate actively in the hearing commencing on November 5, 1990.

The Regional Municipality of Ottawa-Carleton, as the principal party in these proceedings, determined that the matters involved in the hearing could be resolved, on a geographic basis, into a number of "mini-hearings" within the framework of the total hearing. Accordingly, the Regional Municipality submitted to the Board, and to all identified parties, a suggested schedule for such a system of mini-hearings. With some minor amendments, that schedule was acceptable to all parties and to the Board, and indicated a total hearing extending from November 5, 1990 to approximately January 25, 1991.

At the pre-hearing conference, the Board also heard and determined several motions respecting production of documents, and possible withdrawal or adjournment of some referrals.

Upon the conclusion of the pre-hearing conference the Board issued a "Memorandum of Directions for Hearing". That Memorandum is now contained in this final decision as Appendix "A".

3. GENERAL OVERVIEW

3. GENERAL OVERVIEW OF ADOPTION OF OFFICIAL PLAN

Pursuant to the Board's directions at the pre-hearing conference, the first segment of the hearing commenced on November 5, 1990, as a general overview of the process leading to the adoption of the new Official Plan. The evidence in that segment of the hearing was given by Nicholas Tunnacliffe who has been Planning Commissioner for the Regional Municipality since 1988. Before that time, Mr. Tunnacliffe was the Director of the Policy and Program Division of the Regional Planning Department.

As such, he was accountable for ongoing policy development and review. In particular, he was responsible between the years 1981 and 1988 for a complete review of policies leading to the formulation of the new Plan.

Mr. Tunnacliffe explained the background, framework and salient provisions of the new Plan.

The Regional Municipality of Ottawa-Carleton is a unique regional government in Ontario, having been established by the Regional Municipality of Ottawa-Carleton Act, 1968, which received Royal Assent on June 13, 1968, and came into force on January 1, 1969. The Regional Municipality is made up of eleven local municipalities. One of these municipalities, the City of Ottawa, is the capital of the nation. As well as providing the practical and symbolic centre of government, the presence of offices and services associated with the Federal government is an integral economic force throughout the Region and as such affects economic, social and land use planning.

Further, the National Capital Commission, which is responsible for lands owned by the Federal government in both the Regional Municipality of Ottawa-Carleton and the Communauté Régionale de l'Outaouais, has a major impact in land use planning matters. In particular, the greenbelt area within the Region, acquired by the Commission in the 1950's, provides a demarcation between the older urban areas of the Region and the newer urban communities of Kanata, Orleans and Barrhaven and remaining rural areas.

The first Regional Plan, adopted in 1974, was the subject of a lengthy Board hearing in 1977 and 1978. There have been numerous site specific and general amendments to the Plan in the following years.

This new Official Plan is the second Official Plan adopted by the Regional Municipality. Mr. Tunnacliffe explained that the first Plan was structured to give guidance to local municipalities in preparing their Official Plans. These plans are now in place. The Regional Council has followed the first Plan very closely; implementation of transportation and other public services has gone forward as outlined and urban and rural areas as defined were maintained.

The review process leading to the preparation and adoption of the new Plan commenced in late 1981 and proceeded over a lengthy period with the preparation of a number of reports and discussion papers on growth patterns and related issues which were the subject of informal meetings with municipalities and agencies. Exhibit 21 is a chronology of the Official Plan Review Process from December 1981 up to June 13, 1990, when the Minister of Municipal Affairs gave partial approval to the Plan as described earlier herein. Mr. Tunnacliffe's evidence is supported by Exhibits 22 to 65

(inclusive) which described in detail each step in the process. Exhibit 58 is a copy of the 1988 Official Plan as finally adopted by Regional Council and presented to the Minister of Municipal Affairs for approval.

In early 1984, in the course of the then ongoing plan review, a report known as the Regional Development Strategy: A Discussion Paper was prepared and circulated as part of the participation process referred to above. The Regional Development Strategy is a very significant consideration in this Official Plan Review and, together with the Transportation Component, the exhaustive study leading to Regional Council's approval of the Regional Development Strategy is detailed in Exhibits 27 to 39 (inclusive).

In December, 1984, Regional Council adopted 14 recommendations as a basis for the second stage of the Official Plan Review. Briefly, these recommendations dealt with the Regional Development Strategy and accommodation of growth within the Region to the year 2001 and beyond, including anticipated population increases, number and form of housing units required, designation of sufficient urban lands, treatment of lands inside the greenbelt and in three urban communities east, west and south of the greenbelt as to transportation, employment centres, infrastructure, protection of agricultural lands and natural resources and related matters. These subjects of the 14 Council recommendations were then considered in detail by staff. Reports were prepared, circulated, made available to the public and extensively discussed at public meetings and hearings.

As tempered during the review process, these recommendations essentially represent the issues upon which the policies contained in Part 2: Regional Development Strategy in the new Plan are

structured. The Board in later parts of this decision will return to Part 2: Regional Development Strategy.

Among other documentation, a report to the Planning Committee of Regional Council in May 1987, together with a Draft Official Plan, were filed as Exhibits 41 and 42. The report commented on the main issues of the plan review. The draft Plan was further revised after discussion and additional circulation to agencies and the public. The revised Official Plan (Exhibit 58), adopted in July, 1988, was the culmination of the review process.

Mr. Tunnacliffe also provided a detailed account of public participation in the formation, review and adoption of the Plan by the Regional Council; a very extensive body of material documenting this public involvement process was filed by this witness. The Board is completely satisfied from the evidence of Mr. Tunnacliffe that the Regional Municipality of Ottawa-Carleton has more than adequately fulfilled both the spirit and the text of Section 17 of the Planning Act, 1983, in regard to providing information to, consulting with, and both receiving and responding to the comments of the public and interested boards, commissions, agencies and other authorities during the preparation of the Plan.

It was Mr. Tunnacliffe's professional opinion that the 1988 Official Plan is an appropriate policy document to guide the future development of Ottawa-Carleton for the following reasons:-

1) The policies result from a fundamental review of the various options for accommodating anticipated growth - a full range of alternatives were assessed.

2) The policies result from a lengthy and thorough consultation process.

3) The 1988 Official Plan explicitly identifies regional interests. This answers a criticism of the 1974 Plan that it lacked a clear distinction between regional and local planning matters.

4) The policies are based on accepted planning principles, and implement the requirements of the Planning Act, 1983 and The Regional Municipality of Ottawa-Carleton Act regarding the Official Plan.

5) The policies implement Provincial policy concerning protection of agricultural land and farming operations, mineral aggregate resources, aircraft noise and flood plains.

6) The policies, after thorough re-examination, maintain continuity with those of the 1974 Plan, validating Council's substantial public investment in service extensions and transportation improvements to support the desired urban growth pattern.

Against that exhaustive overview and stated professional opinion, the hearing then proceeded with consideration of seven separate segments related to outstanding referrals by the Minister.

4. THE SOUTH URBAN COMMUNITY

4. THE SOUTH URBAN COMMUNITY

Dr. R. Sinha and Mrs. M. Sinha, residents of Nepean, requested that the designations of part of the South Urban Centre, Schedules A and B to the 1988 Regional Plan (Referrals 28 a and b), and text statements in Sections 2.1.3, 2.1.4 and 2.1.6 (Referral 1), together with Sections 2.2.1(d) (Referral 2), 2.2.3 (Referral 5), and 2.2.5 (Referral 6), all as concern that area of the South Urban Centre, be referred to the Board.

The land area involved in Referrals 28 a and b lies to the south of the Jock River in the south west corner of the area designated as Urban Area on Schedule A and as the South Urban Centre on Schedule B of the 1988 Regional Plan.

Counsel for the Region called three witnesses. The Board heard from Mr. Tunnacliffe, Louis Shallal, Director Transportation Planning for the Region, and Roman Diduch, Planning Engineer for the Region, as to the rationale for the designation of the South Urban Centre, the desirability of its present geographic limits and the availability of roads, sewer and water services for the area south of the Jock River, subject of referral.

Mr. Tunnacliffe explained in great detail the history of the South Urban Community lands, now identified in the 1988 Regional Plan as the South Urban Centre. The South Urban Centre is an integral part of the Regional Development Strategy.

The 1974 Plan provided for an urban community of 100,000 persons in the South Urban Community. Development was to be staged; the Barrhaven area developed first followed by development of the balance of the lands designated on Schedules A and B as being the "general

location of the south part of Nepean and the south part of Gloucester parts of the South Urban Community".

The Ontario Municipal Board modified that Plan as to the South Urban Community, providing for a population of 25,000 persons in Barrhaven. The balance of the area (of which the area south of the Jock is a component) was designated in a schematic manner as reserved for future development subject to specific amendments of the 1974 Plan.

This modification was varied by order of the Lieutenant Governor in Council to include two criteria for development; the uncommitted areas were to be kept in agricultural production for as long as possible and development was to be phased to coincide with the provision of services and any other matters of Regional concern.

The issue of expansion of urban areas outside the greenbelt to accommodate additional population and development was again addressed in the review and preparation of the 1988 Regional Plan. Four alternatives were studied; it was determined the South Urban Centre area, including the lands south of the Jock River, was still the best remaining location for additional urban development in the Region. Accordingly, Policy 1(d) of the Regional Development Strategy, (page 2-8 of the Plan) provides for an urban centre of about 3,400 hectares south of the greenbelt, including Barrhaven. Policy 3, together with Policies 4 and 5, (also on page 2-8), provides that the South Urban Centre land, subject to a further amendment to the 1988 Regional Plan setting out detailed policies and with amendments to the local official plans, may be developed for urban uses.

Policy 5 sets the minimum and maximum number of jobs and dwelling units to be accommodated in the three urban centres, as well as Stittsville and Leitrim. A minimum of 18,000 and a maximum of 22,000 dwelling units are intended in Nepean, while a minimum of 7,000 units and a maximum of 11,000 units are intended in Gloucester. A minimum of 20,000 jobs and a maximum of 29,000 jobs are intended for Nepean and a minimum of 10,000 and a maximum of 14,000 jobs in Gloucester.

Mr. Tunnacliffe stated that the boundaries of the South Urban Centre shown on Schedule A are conceptual and extend beyond the anticipated required land area of 3,400 hectares.

In his view, the South Urban Centre is important to the Regional Development Strategy and is good planning. Lands in the South Urban Community are necessary to provide needed housing and employment in the Region. Transportation capacity in place will be utilized by this development. Infrastructure investment, including the acquisition of parklands along both the Jock and Rideau Rivers and development of bridges across both rivers has already been made, is in progress or is in the planning stage; the development of the South Urban lands, including those south of the Jock River, will permit full utilization of this planned infrastructure. Economic development adjacent to Highway 416, a major highway, will also be facilitated.

Local municipalities and individuals have already made commitments based on the 1974 Plan. Planning policies already determined by the document will now be carried forward through approval of these policies. The City of Nepean has adopted Official Plan Amendment No. 21 to permit development of lands adjacent to Barrhaven. This amendment has been approved by the Region.

The land referred is an area already approved for urban development and therefore its proposed development is in conformity with the Food Land Guidelines. The Ministry of Agriculture and Food has expressed no difficulty with the designation of all the lands in the South Urban Centre for urban development.

Mr. Tunnacliffe stated that the loss of the lands south of the Jock River from the South Urban Centre would necessitate the designation of urban lands elsewhere in the Region to provide for anticipated growth; there would be serious implications as to transportation and servicing. The lands south of the Jock were included in the 1974 Plan and have been a part of the planning process since the approval of the 1974 Plan. Services being brought into the South Urban Centre have been sized to provide capacity based on development of lands south of the Jock River; accordingly an investment in infrastructure based on these lands being available for urban development has been made. The evidence of the witnesses Shallal and Diduch, discussed below, fully supported the evidence of Mr. Tunnacliffe in this regard.

Louis Shallal, the Director of Transportation Planning provided evidence as to the potential capacity of roads and bridges being provided in the area in relation to the South Urban Centre generally as well as the area south of the Jock River. In any event, bridges will have to be constructed across the Jock River; accordingly urban development on both sides of the river will capitalize on this infrastructure investment.

In his view, designation of the lands south of the Jock River as part of the South Urban Centre is consistent with the transportation policies of the Region as set out in the 1988 Regional Plan. The existing Highway 416 will be utilized by development in

the Centre and pressure on the east-west Queensway will be decreased. The maximum use of all planned transportation facilities for the South Urban Centre will be achieved.

Roman Diduch, the Planning Engineer for the Region provided similar evidence to that of Mr. Shallal in regard to the provision of services. Planning of all services for the South Urban Centre has been on the basis of service to a population of 100,000 persons and a commercial/industrial land area of about 600 hectares. Much of this servicing is now in place.

The West Rideau Collector sewer was planned several years ago, with the South Urban Centre included as an anticipated growth area, and is now under construction. Accordingly, sewer pipe and pumping capacity for urban development in this area has been installed sized to a certain order. Water services for the South Urban Centre at the above noted levels of development are in place as far south as Fallowfield Road.

It was Mr. Diduch's opinion the lands south of the Jock River are appropriate for servicing to an urban standard. Further, to now remove the lands south of the Jock River from development with the substitution of an equivalent area elsewhere would add substantially to the costs of services to any substituted area and would mean that oversized and underutilized land services would also be present in the system.

In his evidence, Dr. Sinha, one of the two persons requesting these referrals, identified two issues. He considered there was a lack of public participation in the original designation of the South Urban Community in the 1974 Plan. Further, in his opinion, development of a distinct urban community south of the Jock River is

not good planning. Dr. Sinha did not dispute that public participation in the preparation of the 1988 Regional Plan had been ongoing since 1983.

In the opinion of Dr. Sinha, extensive services will be needed, many of which would have to be placed under the river. Bridges will also be necessary to connect this part of the community with areas to the north. The lands south of the Jock River are composed of good soils. There are Class 1 and 2 soils which should be protected.

Dr. Sinha does not view the South Urban Community delineated in the 1974 Plan as being the same as the South Urban Centre described in text and schedules in the 1988 Regional Plan.

Mrs. Makroohy Sinha, the other referror, called William Leathem, the Commissioner of Planning for the City of Nepean, as a witness. Mrs. Sinha questioned Mr. Leathem as to the danger of building in the floodplain of the Jock River. It was Mr. Leathem's opinion that none of the South Urban Centre's developable lands would be in the floodplain; rather, those lands would be reserved for recreational areas.

It was also Mr. Leathem's opinion, in response to questions from counsel for the Region and the City of Nepean that servicing for the South Urban Centre would be appropriate and that development of the South Urban Centre, including the lands south of the Jock River was essential to good development of Nepean in the context of the population and job levels anticipated for Nepean by the Plan.

The Board heard evidence from four witnesses expert in their fields as to the need for a third urban centre in the area, the designation, location and composition of the South Urban Centre and

the continued inclusion of the lands south of the Jock in that urban designation as set out in the 1988 Regional Plan, particularly in Part 2: Regional Development Strategy and as shown on Schedules A and B.

The Board heard no evidence from anyone challenging the designation of the South Urban Centre as the future location of development providing dwelling units and jobs in the range set out in Policy 1.5. The concern of Dr. Sinha is with inclusion of lands south of the Jock River in that designation. In his opinion, to do so is not good planning. Hence, the request for referral.

The South Urban Centre contains approximately 3,400 hectares. It will be the third urban centre in the Region lying beyond the greenbelt. The Board accepts the projections as to anticipated population growth in the Region and other factors related thereto provided by the witness Tunnacliffe. The rationale for development of the South Urban Centre stems from the need to provide for the economic viability of the Region as to population, housing and jobs within the framework of well thought out land use planning.

The intention to provide such an urban community or centre in the south part of the Region has existed since 1974 and the rationale, area and population of the South Urban Community was specially reviewed and then approved by the Ontario Municipal Board and the Cabinet.

It was the opinion evidence of the four experienced and knowledgeable witnesses called by the Region that the designation of the South Urban Centre as an urban centre as described in the 1988 Regional Plan should be approved; the entire lands included in the proposed Plan, including the lands south of the Jock River are needed

for urban development and should be subject to the conceptual designation now set out on Schedule A.

The Board has carefully reviewed the evidence of the witnesses Tunnacliffe, Leathem, Shallal and Diduch in the light of the stated concerns of Dr. Sinha. The Board has also reviewed the Regional Development Strategy in the Plan and the decision of the Board regarding the 1974 Plan.

It is the view of the Board that the South Urban Centre is an integral part of the Regional Development Strategy for the reasons outlined by the witnesses.

The Board understands from the witnesses that an area of 3,400 hectares, not yet clearly delineated within the greater area shown on Schedules A and B is required to accommodate the dwelling units and jobs set out in Policy 1.5 for the South Urban Centre. The lands south of the Jock River are seen by these witnesses as integral to the entire programme. Eventual development of land south of the Jock River is a natural progression of the development north of the river; roads, bridges and services for the land south of the Jock River are now planned and are being installed.

It is the opinion of the Board that the development of infrastructure, including a road system capable of handling the traffic to be generated by the population and job creation activity anticipated in Policy 1.5 should as far as is feasible be in place before the greater part of residential, commercial and industrial development occurs. Accordingly, it is prudent, and good planning, that the steps which have been taken as to formation of a road network and services, including water, sewers and public acquisition of parklands, designed to accommodate development in the South Urban

Centre, including the lands south of the Jock River, should now be under way so that development can occur in the time frame anticipated.

It goes without saying that roads should as far as is feasible be initially built and water and sewer services provided to the capacity of the intended population when that capacity is likely to be reached in a 15 to 20 year time frame. To do otherwise is to raise the spectre of additional and unnecessary expense at a later time. Similarly, to delay acquiring public open space deemed necessary for the benefit of a future population, is unwise.

The Board heard no evidence to persuade it that the lands south of the Jock River as shown on Schedules A and B to the 1988 Regional Plan should be deleted from the South Urban Centre, quite the contrary. The Board is satisfied from the evidence that the entire land designation for the South Urban Centre is appropriate and necessary to ensure the effective carriage of that part of the Regional Development Strategy as set out in Part 2 of the 1988 Regional Plan.

Accordingly, the Board will not modify either Schedule A or B or the text of the 1988 Regional Plan as it affects the South Urban Centre. The Board approves the designation of the lands south of the Jock River as shown on Schedule A (Referral #28a) as Urban Area and the same lands as shown on Schedule B (Referral #28b) as part of the South Urban Centre.

The Board approves Sections 2.1.3, 2.1.4 and 2.1.6, (Referral 1), together with Sections 2.2.1.(d) (Referral 2) and 2.2.3 (Referral 5) of the 1988 Regional Plan. Section 2.2.5 of the Plan (Referral 6) is approved as it relates to the South Urban Centre.

5. KANATA AGRICULTURAL LAND AND SEVERANCE POLICIES

5. KANATA AGRICULTURAL LANDS AND SEVERANCE POLICIES

Pursuant to directions issued at the pre-hearing conference, and with the consent of counsel, certain matters were grouped together for hearing purposes under the general title of "Kanata Agricultural Lands and Severance Policies". Those matters are:

(i) Referral Item 11, being Section 5.1.3.2 Farm Severances in Agricultural Resource Areas.

(ii) Referral Items 14(a), 14(b) and 14(c), being the designations of certain lands in Kanata.

(iii) Referral Items 23 and 24, being the designations of certain lands in Kanata.

(iv) Official Plan Amendment 29 to the Official Plan for the City of Kanata.

At the outset of the hearing, the City of Kanata formally withdrew its request for the referral of all of the lands in Referral Item 14(c) and part of the lands in Referral Item 14(b). At the same time, counsel for Tridel Corporation formally withdrew its request for Referral Items 23 and 24, which apply to relatively small parcels of land in the general area of Referral Item 14(c). The disposition of those withdrawals, and the Board's decisions therein, are found elsewhere in this decision.

Accordingly, the hearing with respect to "Kanata Agricultural Lands and Severance Policies" became applicable only to Referral Items 11 and 14(a) and that part of 14(b) lying to the north of the Richardson Side Road, and Official Plan Amendment 29. As shown on

Exhibit 79, those referrals affect only lands lying outside the "Study Area Western Urban Centre Expansion".

The Regional Municipality presented evidence by Nicholas Tunnacliffe, the Planning Commissioner, and by Erven Mackintosh, a consulting agrologist with extensive experience in soil science.

The subject lands are designated "Agricultural Resource Area" on Schedule A of the Official Plan as adopted by the Regional Council on July 13, 1988, and approved by the Minister of Municipal Affairs on September 28, 1989, subject to certain modifications, referrals, and deferrals. That designation has been in place since the adoption of the previous Official Plan in 1974. The designation was intended to protect high capability farm land and had the effect of implementing government policy as set forth in the "Food Land Guidelines" in 1978. There are some minor changes in boundaries of the designation, arising from the use of an updated land classification system, and boundaries now generally follow lot lines or half-lot lines and allow for some flexibility in interpretation in local Official Plans.

The Region takes the position that areas of high capability land do not abruptly stop at municipal boundaries, but reflect a consistent Regional approach to land classification. That approach is supported by the findings in Exhibit 88, "An Analysis of 1986 Census of Agriculture" for the Regional Municipality.

Exhibit 83 is an analysis of land subdivision activity for the years 1975-1989. Table 7C on Page 21 of Exhibit 83 shows that, in that period, in Kanata, 295 lots have been registered, 53 are draft approved, and 433 are pending. Only 32 per cent of the lots have been built upon, as shown in Table 3 on Page 8, and that is the

lowest percentage of such use for all local municipalities in the Region. Mr. Tunnacliffe says there is, therefore, no need to proceed with more subdivision of such land at this time. In both Referral Areas, the majority of the lands are used for agricultural purposes.

It is, therefore, his opinion that the "Agricultural Resource Area" should be approved as adopted in the Regional Plan.

The Severance Policies in Section 5.1.3.2 of the Regional Plan have been approved for all local municipalities in the Region except Kanata. The major point of contention is with respect to what constitutes a bona fide farmer when considering the creation of a retirement lot. As adopted, the Regional Plan requires 20 years of continuous farming activity. The City wants that changed to 5 years. It is Mr. Tunnacliffe's evidence that the 20 year period reflects the policies of the "Food Land Guidelines", and further acts as a deterrent to increased severance activity under the guise of retirement lots for so-called bona fide farmers. It is also his view that severance policies should be consistent throughout the Regional Municipality. He said there is no planning rationale to support the City's proposal as expressed in Official Plan Amendment 29.

It is, therefore, his opinion that Section 5.1.3.2 of the adopted Regional Plan constitutes good land use planning for Kanata, and should be approved. As well, it is his opinion that the severance policies in Amendment 29 should be modified to conform to the Regional Plan.

Exhibit 91 is an "Agricultural Impact Assessment" for the referral areas as prepared by Erven Mackintosh. Exhibit 92, as colour-coded, shows dramatically the preponderance of Class 2 and 3 lands in the referral area, as well as the very large blocks of

Class 2 and 3 lands throughout Kanata and West Carleton. When viewed with Exhibit 93, the Regional significance of large contiguous blocks of Class 2 and 3 lands is readily seen. The Mackintosh report shows that the good lands are buffered by lower capability lands which can be made available for alternative development. The report also clearly shows that the requested redesignation of the referral areas would have severe adverse impact on the agricultural viability of the area.

Dr. Mackintosh's evidence supports the evidence of Mr. Tunnacliffe. It is his opinion that the referral areas should remain designated "Agricultural Resource Area". Such a designation would be in full conformity with the "Food Land Guidelines".

The Regional Plan, as adopted, is strongly supported by the Ministry of Agriculture and Food. Larry Schut is a pedologist and agrologist, and has been employed since 1976 by the Ministry with specific duties in mapping, classifying and interpreting soils in Ontario. He is the co-author of Exhibit 95, a report entitled "The Soils of the Regional Municipality of Ottawa-Carleton" which was published in 1987 by the Ontario Institute of Pedology with the co-operation of Agriculture Canada, the Ontario Ministry of Agriculture and Food, and the University of Guelph. That work has refined the methodology of the Canada Land Inventory, and has updated the soil classification for Ottawa-Carleton and produced improved mapping.

Exhibit 96 is a map of the City of Kanata, at a scale of 1:30,000, showing the updated classification of soils for the whole City. Exhibit 97 is the same base map showing the soil classification for the referral lands. The maps show a great preponderance (+70 per cent) of Class 1 to 4 lands in the referral

areas. For Referral Area 14(b), 88 per cent of the land is Class 1 to 4.

Andris Terauds is professionally qualified in agricultural land use planning and agrology, and from 1975 to 1979 he actively practised in that field. Since 1979, in partnership with his wife, he has carried on a farm operation on 100 acres of land in the Township of West Carleton. They produce 60 different crops for pick-your-own, wholesale and retail sales. Mr. Terauds is Chairman of the Land Use Committee of the Ottawa Valley Branch of the Ontario Institute of Agrologists. Exhibit 102 is a lengthy report issued in 1986 by the Committee with respect to the Official Plan Review of the new Regional Plan for Ottawa-Carleton.

Mr. Terauds and the Committee, strongly support the preservation of good agricultural land in the City of Kanata. He said there is no need to provide more land in Kanata for non-farm development because there is an adequate supply of such land now so designated. The re-designation of more agricultural land would adversely impact the agricultural viability of the remaining lands, to the detriment of the farm community and the City.

Janet Anderson is the District Manager for Eastern Ontario for the Foodland Preservation Branch of the Ministry of Agriculture and Food. Exhibit 105 is a report on the status of agriculture in the Region of Ottawa-Carleton, published by the Ministry in 1989. Ms Anderson was the main author of that report. One hundred and eighteen farms were surveyed in the Region. Kanata had the lowest sales volume in the Region because it also has the smallest area of agricultural land. It is her opinion that agriculture continues to be a strong industry in the Region of Ottawa-Carleton, and Kanata's contribution is significant. In order for agriculture to continue

and prosper in the future, proper policies must be implemented to direct and control non-farm development and protect and preserve agricultural areas.

Exhibit 106 is a report, "Agricultural Activity-Kanata", published by the Ministry in 1988. There are 79 farms in Kanata located on 13,700 acres of land. The 1986 sales volume was $1,800,000, and the predominant activity was beef farming. In her opinion this is a significant contribution to the City's economy and should be protected.

Exhibit 69 is a copy of "Food Land Guidelines", a statement of government policy issued in 1978. Ms Anderson reviewed the Guidelines exhaustively and it is her opinion that Official Plan Amendment 29 for the City of Kanata does not satisfy the criteria of "Food Land Guidelines" and, therefore, should not be approved. The proposed amendment would create too many small lots and thereby create numerous urban-rural conflicts as well as a demand for more urban type services, all to the detriment of the agricultural community. The Regional Plan, as adopted, has the opposite effect and conforms to the "Food Land Guidelines".

Lykle deVries, a widely-experienced agrologist, conducted an agricultural assessment of the City of Kanata and his findings are contained in his report which was entered as Exhibit 98. His work was done in October 1989, but he produced supplementary information during his evidence on November 14, 1990. He studied the agricultural land use systems and the characteristics of farmers and farms in Kanata. Using mapping at a scale of 1:50,000 and aerial photography at a scale of 1:10,000, he concluded that 57.9 per cent of the northern referred area was Class 2 to 4 land, and 83.7 per cent of the southern referred area was Class 2 to 4 land. He cited

revised percentages for the lands now under consideration in the southern area, but did not produce any accurate mapping for that area. His economic study found that most Kanata farms are beef cattle operations, and that Kanata farms had a net financial loss in 1986 of $3,217 per farm for those farms with sales over $50,000.

It was Mr. deVries' conclusion that Kanata is not a prime agricultural area. He said, in his report at page 54, "Although our findings do not fully support the City of Kanata's position re: the conversion of all Agricultural designated lands to Estate Residential or Rural Residential, we find some support for their case". He recommended that a major portion of the northern referred area should be designated Estate Residential because the land is of low quality and unsuitable for sustainable agriculture. In the southern referred area he found three large, distinct agricultural areas which should remain in agriculture and he did not recommend any areas for Estate Residential.

He did not make extensive reference to "Food Land Guidelines", and he did not disagree with Dr. Mackintosh's conclusions. The agricultural assessment by Mr. deVries was not done until after Amendment 29 had been adopted.

Carol Timusk is a qualified municipal planner who has been so employed by the City of Kanata since 1973. In her evidence she extensively reviewed the background of the establishment of the City of Kanata and the ensuing development of the municipality. In March 1987 the City's planning staff presented a report to City Council which described the agricultural resource areas of the City as having a high level of land fragmentation and/or a strong intermix of existing uses. The initial findings of the report were that <u>all</u> the land rated Classes 2, 3 or 4 within Kanata would be eligible to be

included in a marginal land use designation under the criteria of the Draft Foodland Preservation Policy Statement of the Ministry of Agriculture and Food. On the basis of those findings, City Council adopted Official Plan Amendment 29. In May 1989, the Regional Municipality approved the Amendment in part, and referred certain parts to this Board. She stressed that, in adopting Amendment 29, the City is not saying the lands are needed for housing. What the City is saying is that "rural" does not always mean farming and that Classes 2, 3, or 4 lands do not always mean prime agricultural lands.

On that basis, it is her submission that Amendment 29 represents a proper proposal for future land use. It is also her submission, based on the limited agricultural production in Kanata when compared to the rest of the Region, that the severance policies of the Regional Official Plan should be amended, as those policies affect Kanata, to show that 5 years is a "significant" length of time to determine the status of a "bona fide farmer". It is her opinion that Amendment 29 is in conformity with the criteria expressed in the "Food Land Guidelines".

Thomas Carroll resides on a 100 acre farm on the northwest half of Lot 20, Concession 1. He also owns 100 acres in Lot 27, Concession 2. He supports Amendment 29. He has lived in this area for all of his lifetime, over 60 years, and for more than 20 years he has been employed full-time away from his farm. However, he continues to carry on a limited beef operation. It is his view that the area can no longer support agriculture as a full-time viable industry because of the fragmented land base and generally marginal quality land. He has intimate knowledge of the whole municipality and relies on his own personal experience to support his views. It is one of his beliefs that a farmer's land should eventually be able to provide him with an adequate retirement income from non-farm

development. He said there is little desire left to continue farming in Kanata.

Mrs. Dawn Sommerer has her residence on a small holding in the agricultural area. She is opposed to the City's proposal to redesignate the lands as in Amendment 29. She said the lands should not be redesignated simply because some areas are not being farmed.

In argument, counsel for the Regional Municipality said it is a statutory requirement of the Regional Act that all local municipalities have in place Official Plans which are in conformity with the Regional Plan. That is the present situation in Ottawa-Carleton. However, Kanata's proposed Amendment 29 would represent a serious departure from that conformity. The Regional Plan, in its severance policies, implements "Food Land Guidelines". The designations in the Regional Plan are based on the most recent updated soil classification mapping. The Regional designations for agricultural lands reflect a Regional perspective and do not end abruptly at the boundaries of local municipalities.

He argued that the Region's evidence, strongly supported by the Ministry of Agriculture and Food, reflects that the land use designations and the policies of the Regional Plan are based on the best available evidence and should be upheld. Section 2 of the Planning Act, 1983, requires the Board to respect matters of Provincial interest in the exercise of its jurisdiction, and the Board has a duty to implement government policy. He, therefore, said the Region's evidence is to be preferred over the City's evidence.

Counsel for the Ministry of Agriculture and Food adopted the submissions of counsel for the Region, and she further argued that no need or justification had been shown to support Amendment 29 as

required by "Food Land Guidelines". She said that the City's position is not supported by valid planning principles.

Counsel for the City said the lands in question are not high priority agricultural lands, and the evidence does not show that agriculture is a viable operation in Kanata. He dismissed the updated soil classification mapping as posturing and said there are no large contiguous areas of high quality agricultural lands. He argued that most of the 79 farms in Kanata are actually examples of low intensity use, and are not significant to the Region's economy; Kanata does not have large or significant areas of good agricultural land.

The Board has carefully considered all of the evidence and the argument, and has no difficulty in accepting the evidence adduced by the Region and the Ministry over that of the City. Mr. Tunnacliffe's evidence, supported by that of Dr. Mackintosh, clearly shows the need to support the Regional concept and so conform with and implement government policy.

A stated Regional interest is the long term viability of the agricultural industry in Ottawa-Carleton; farming is considered to be a significant contributor to the Regional economy. To this end, the 1988 Regional Plan contains strong policies as to protection of the agricultural land base. The Board notes the policies set out in Part 5 of the Plan.

Regional planning by its very nature is predicated on the assumption that Regional policies and determinations will be consistently applied in the overall area. Further, this Region, throughout the extensive planning and participation process described earlier in this decision, has emphasized a consistency of approach

to agricultural lands. In this case, the evidence is clear that policies for protection of good agricultural land involve the designation of the lands subject of Referral 14 as it is now before the Board, together with other similar agricultural lands as Agricultural Resource Areas.

Dr. Mackintosh's report notes that the better agricultural producing areas in the Region tend to be in isolated areas and these areas must be protected if the agricultural industry in the Region is to survive. The Board agrees with that conclusion. As noted above, it is a clear policy of the 1988 Regional Plan that the agricultural industry is to be protected.

The Board is also well aware that the interspersing of good and poor agricultural on a micro basis is not of itself deleterious to the agricultural industry since "poor" agricultural lands can be utilized for pasture and the like.

Having accepted that policies should be developed and applied on a consistent basis throughout the Region and the policies under referral are good policies, the only question remaining is whether the Referral 14 lands still before the Board were properly designated on Schedule A of the Plan as to characteristics and soils capacity. On the evidence of Dr. Macintosh, the Board is quite satisfied this is the case.

The City has not established through evidence that any exception should be made from the policies of the 1988 Plan as to the designation of the subject lands or that policies as to retirement lots should be altered either over all or for residents of Kanata.

The City has not shown the need or justification for Amendment 29. There are already large areas of vacant land suitably designated for non-farm development. It is also notable that the agricultural assessment by Mr. deVries which was not entirely favourable to the City's case, had not yet been reviewed by City Council.

This Board is of the view that Amendment 29 is premature and not in the public interest.

Therefore, it is the Board's decision that:-

1) Official Plan Amendment 29 will not be approved.

2) The Official Plan of the Regional Municipality of Ottawa-Carleton is approved with respect to the severance policies in Section 5.1.3.2 and the land use designations for those lands shown on Schedule A as Referral Items 14(a) and 14(b).

6. MATTERS AFFECTING GOULBOURN (STITTSVILLE)

6. MATTERS AFFECTING GOULBOURN (STITTSVILLE)

This part of the decision will deal with:

- Referrals 3 and 6 of the 1988 Regional Plan as to the Regional Development Strategy, Section 2.2, Policies 1.(e) and 5;

- Referrals 19, 20, 21, and 22 of the 1988 Regional Plan;

- Referrals 2, 4, 7, 9 and 10 of Official Plan Amendment No. 60 of the Township of Goulbourn (the Stittsville Secondary Plan). The purpose of Amendment No. 60 is to define the boundaries of the Town of Stittsville, identify land uses, provide a plan for traffic movement and storm water management in the Town, and define a segment of Main Street for revitalization and redevelopment with policies therefore.

- Appeals against Zoning By-law No. 45-88 of the Township of Goulbourn. Zoning By-law No. 45-88 implements Amendment No. 60.

All these referrals of the two official plan documents and appeals against By-law 45-88 involve lands either in proximity to, or within the boundary of Stittsville. Where appropriate, common factors shared by Referrals 19, 20, 21 and 22 to the 1988 Regional Plan, Referrals 2, 4, and 7, to Amendment No. 60 and appeals as to By-law 45-88 will be addressed together.

Discussion of Referrals 3 and 6 will take place in the context of Referrals 19, 20, 21 and 22 to the 1988 Regional Plan. Referral 3

is as to designation of an Urban Area of approximately 1,200 hectares in Stittsville pursuant to Section 2.2.1(e)of the 1988 Regional Plan. Referral 6 concerns the policy set out in Section 2.2.5 of the Plan that the local official plan contain policies permitting Stittsville to develop with a maximum of 6,000 dwelling units and 7,000 jobs.

A. <u>1988 Regional Plan Referrals No. 19, 20, 21 and 22 and Referrals No. 2 4 and 7 to Amendment No. 60.</u>

As shown on Exhibit 163, Referral 19 of the 1988 Regional Plan concerns:

- two adjacent parcels of land together comprising about 75 hectares owned by M. Holitzner Ltd. (west half of Lot 22, Concession 10) and the Argue Family (561050 Ontario Limited) (east half of Lot 22, Concession 10) located within the boundary of Stittsville as shown on Schedules A and B to the 1988 Regional Plan, and fronting on the north side of Fernbank Road west of the built up part of Stittsville, (referred to as "the Holitzner/Argue lands") as shown on Exhibit 185, and a smaller parcel of land on the north side of the C.P.R. right of way as shown on Exhibits 138 and 163.

- a parcel of land containing about 25 hectares fronting on the south side of Fernbank Road, also within the boundaries of Stittsville. This parcel extends about 450 metres south of the road.

Referral 2 of Official Plan Amendment No. 60, is identified on Exhibit 163, Schedule A Land Use Plan. This reference deals with:

- the Holitzner and Argue lands (Referral 19), and the lands to the south of Fernbank Road also included in Referral 19,

- other lands still further south of Fernbank Road which were not included in Referral 19 and not within the Stittsville Urban Area as delineated in the 1988 Regional Plan and Amendment No. 60.

A number of property owners elsewhere in the Township requested the referral of the designation of all the above described lands in the 1988 Regional Plan and/or Amendment No. 60. However, neither M. Holitzner Ltd. or the Argue Family initiated any referral request. Schedule A to the 1988 Regional Plan designates all lands included in Referral 19 as Urban Area and as General Urban Area on Schedule B. Schedule A to Amendment No. 60 designates these lands as Residential. Development for residential uses without any further amendments to the planning documents would be possible.

By-law 45-88, the implementing by-law for Amendment No. 60, rezones the Holitzner/Argue lands from a Restricted Rural zone to a Residential Type 1-9 zone. This provision in By-law 45-88 was the subject of objections to the by-law filed by Proctor & Redfern on behalf of W. Davidson, M. Holitzner Limited and Frank Argue.

Referrals 20, 21 and 22 of the 1988 Regional Plan shown on Exhibit 163, and on Schedule A to the 1988 Regional Plan as to Referrals 20 and 22, involve three contiguous land areas containing approximately 100 hectares lying to the east of the urban boundary of Stittsville as shown on Schedules A and B. (These lands are referred to as "the Gibson-Davidson lands".)

Referral 4 of Amendment No. 60 is shown on Exhibit 163 as including the lands subject of Referrals 20, 21 and 22 together with some additional lands to the south and east. Michael J. Bacon, the consulting planner retained by the owners of the Gibson-Davidson lands, subject of Referral 4 to Amendment No. 60, as well as Referrals 20, 21 and 22, advised the Board at the outset of his evidence that these additional lands were not really part of Referral 4. The Board in its consideration has therefore proceeded on the basis that the lands before it as to Referral 4 are essentially the lands subject of Referrals 20, 21 and 22. Exhibits 191 and 192 filed by Mr. Bacon also identify these lands as the subject of this part of the hearing.

Schedule A to the 1988 Regional Plan designates the Gibson-Davidson lands as General Rural Area while the Goulbourn Official Plan designates the lands as Marginal Resource and Environmental Conservation and Preservation. The owners wish to have these lands included in the Stittsville Urban Area in the 1988 Regional Plan and Amendment No. 60.

Referral 7 to Amendment No. 60 was requested by a number of owners in the area who object to the proposed location of a by-pass road intended to remove through traffic from Regional Road No. 5, part of the strategy to revitalize Main Street in Stittsville.

As shown on Exhibit 163, (Schedule A Land Use Map to Amendment No. 60), the approximate location of the proposed by-pass road runs along the west boundary of the Stittsville Urban Area from Regional Road 36 in the north to a point south of Fernbank Road where it would intersect with Regional Road No. 5. A considerable portion of the proposed road runs along the west boundary of the Holitzner lands.

Regional Road No. 5 becomes Main Street in Stittsville and then goes on to become Carp Road further north. Amendment No. 60 encourages revitalization of Main Street. A concentration of general commercial activities and services will be accommodated in heritage and infill buildings where the street runs through the older part of the village. The present volume of through traffic on Main Street is not conducive to this goal of commercial revitalization.

It is anticipated the right-of-way for the by-pass road will be obtained through the development process. Some parts of the northern portion of the right-of-way have already been acquired. Objection to this road is not from the owners of affected lands, but from land owners east of Main Street who advocate an eastern, rather than a western by-pass road.

At the outset of this part of the hearing, the Board was advised by counsel for all parties involved in Referral 19 to the 1988 Regional Plan, Referrals 2 and 7 to Amendment No. 60 and appeals to By-law 45-88 that agreement had been reached that certain modifications to Amendment No. 60 now recommended to the Board by Regional Council, together with an amendment of By-law 45-88, satisfactorily answered all concerns relating to these referrals and the by-law appeal. The Board will discuss these recommended modifications, together with the proposed amendment to By-law 45-88 in due course.

A considerable number of milestones in arriving at the determination in the 1988 Regional Plan that a maximum number of dwelling units (6,000) and jobs (7,000) would be planned for, and a maximum land area of 1,200 hectares be designated Urban Area in Stittsville, together with the location of boundaries, were described by both Mr. Tunnacliffe and Mr. Lindsay, the Director of Planning for

the Township of Goulbourn.

Evidence from David Atkins, the manager of Planning and Budgeting for the Environmental Services Department of the Region, provided greater detail as to servicing issues motivating determinations for Stittsville in the 1988 Regional Plan and the new proposed modifications of Amendment No. 60.

It is clear from this specific evidence, and the evidence noted earlier in the decision describing the planning process as to the Regional Development Strategy, that a very considerable amount of research activity and recommendations from Regional and Township staff, together with consideration by the Regional Planning Committee, Regional Council and the Township of Goulbourn Council took place. It is also clear from the evidence throughout the hearing that extensive opportunities for public involvement in the plan reviews pursuant to the requirements of the Planning Act were provided by both regional and local governments.

Mr. Tunnacliffe explained that the Township of Goulbourn containing both urban and rural components is located west of the Greenbelt. Urban development in the Township is mostly of a residential nature contained in villages and Stittsville.

The 1974 Plan identified Stittsville as one of 29 villages designated for expansion. However, this development would only occur if services were available.

Local municipal governments were to determine village expansion through the appropriate planning exercises followed by adoption of official plans and zoning by-laws as necessary. In 1985, Amendment No. 49 to the 1974 Regional Plan provided that Stittsville could

expand to a maximum population of 10,000 persons based on the design capacity of the sanitary sewer and water systems.

The Township of Goulbourn amended its Official Plan in 1983 to redefine the boundaries of Stittsville and provide a population cap of between 9,000 to 10,000 persons in the village. However, this amendment excluded the Holitzner/Argue lands, previously included, from the boundaries of Stittsville.

Review of the 1974 Plan was also under way in the 1980's. In 1984, the Regional Development Strategy referred to Stittsville as having the potential to become a secondary urban growth centre. Discussion papers in the process proposed that villages with both sewer and water systems be treated as urban centres. Stittsville, filling these criteria, was included as an Urban Area in the Draft Official Plan (Exhibit 40) with boundaries reflecting those provided by Amendment No. 27 to the Goulbourn Plan. The maximum number of households was not to exceed 4,000 and the maximum number of jobs to be accommodated was 5,000.

Amendment No. 54 to the Goulbourn Official Plan was adopted in 1987. It expanded the boundaries of the Stittsville urban area a distance of 450 metres to the south of Fernbank Road and redesignated the lands involved from Marginal Resource to Low Density Residential in order to permit development of a subdivision containing 400 to 500 single family dwellings. However, Amendment No. 54 was deferred by the Region pending completion of the review of the 1988 Regional Plan.

In November 1987, the Planning Committee of Regional Council considered the Draft Official Plan and recommended expanding the boundaries of Stittsville to the south as shown in proposed Amendment

No. 54 and increasing the maximum number of households in Stittsville to 6,000 with a population increase to 18,000 persons.

The Draft Official Plan did not include a by-pass road for Stittsville. The Planning Committee recommended that a by-pass road not be included in the 1988 Regional Plan but that the Township of Goulbourn investigate as part of its planning for Stittsville whether a by-pass road could be designed as a collector road external to the urban area. Thus, any by-pass road delineation would be a local municipal, rather than a regional, matter.

In May, 1988, Regional Council considered the Draft Official Plan. After consideration, additional lands were placed in the Stittsville Urban Area. These lands, lying on the west side of Stittsville, are the subject of Referral 19 to the 1988 Regional Plan. However, Regional Council further amended the Draft Plan to provide that Regional Council would incur no costs for the construction of water mains, sewers, roads or transitways to service these lands (Section 2.2.9 of the Plan).

Mr. Tunnacliffe stated that the lands identified by Referral 19 are considered to be part of the 1,200 hectares designated Urban Area in Stittsville (Referral 3, Section 2.2.1(e)).

Amendment No. 60 designates the lands included in Referral 19 as Residential. Mr. Tunnacliffe introduced (Exhibit 174) a table of calculations as to the potential number of residential units which could be produced through the Residential designations applied to lands by Amendment No. 60. The Referral 19 lands could accommodate 1,504 residential units. Presently, there are 5,665 units either built, subject of draft approved plans, or available to be built on lands without plans but already designated Residential in

Stittsville. If all lands so designated, including the Referral 19 lands are developed residentially, a total of 7,169 units would be produced. This exceeds the number of 6,000 units permitted for Stittsville in the 1988 Regional Plan by 1,169 dwelling units.

A survey of vacant urban residential lands in the Region conducted by the Planning Department was updated in 1989 (Exhibit 86). At that time, the Region had an 11 year supply of vacant residential lands and Stittsville had a 12.5 year supply of vacant residential lands in then approved areas. Designation of the lands subject of Referral 19 as residential would add another six year supply of land for housing in Stittsville. In the opinion of Mr. Tunnacliffe, this supply is sufficient to meet the requirements of the provincial policy statement on Land Use Planning for Affordable Housing.

There should be a balancing of residential lands and employment areas in the various sectors of the Region. A maximum of 7,000 jobs are to be accommodated in Stittsville; two areas are shown as Extensive Employment Areas on Schedule B of the 1988 Regional Plan. In his view, the boundaries provided in the 1988 Regional Plan for Stittsville, including the Referral 19 lands, are correct and no additional lands should be designated Urban Area in Stittsville at this time.

Mr. Tunnacliffe went on to note that there is a lack of studies by the Township and the proponents of the designation of additional lands (Referrals 20, 21 and 22) as to the need for further urban area land in Stittsville.

Furthermore, the municipalities of Goulbourn, Kanata, and West Carleton, together with the Region, are commencing a study of future

urban expansion potential between Stittsville and Kanata (Exhibit 193). Lands subject to Referrals 20, 21 and 22 would be part of this study. It would be premature, pending the outcome of the study, to consider any change in land use designation of those lands. Accordingly, the lands covered by Referrals 20, 21 and 22 should not be included in the Urban Area on Schedule A or in the General Urban Area on Schedule B.

The maximum numbers of dwelling units contained in the Plan for urban centres, Stittsville and Leitrim, were determined as a part of the Regional Development Strategy. The amount and location of population areas has implications for provision of services which is a Regional concern.

Regional Council is proposing modifications to Amendment No. 60 which would impose a staging of development on the lands covered by Referral No. 19 so that development would not occur until the Regional Plan has been amended to increase the dwelling unit limit for Stittsville beyond 6,000, and Section 2.2.9 of the Regional Plan (dealing with responsibility for costs of services on the Referral 19 lands) has been satisfied (Exhibit 171).

Regional Council is also requesting further modification to the text of Amendment No. 60 to provide additional statements regarding the by-pass road. Its location would be determined following a detailed road study and in co-ordination with all affected parties. New development in Stittsville will be subject to a levy to fund costs of construction and the Region makes no commitment to fund the road.

Mr. Tunnacliffe advised the Board that these recommended modifications to Amendment No. 60 are in conformity with the 1988

Regional Plan. In his opinion, Amendment No., 60 should be modified as requested by the Region.

David Atkins of the Environmental Services Department of the Region also gave evidence in support of the modifications recommended by the Region as to Amendment No. 60.

Mr. Atkins explained that recent studies have determined that with some minor upgradings to the system, the Stittsville Trunk Sewer can accommodate 18,000 persons (6,000 units) and 240 hectares of commercial/industrial development. There are concerns if growth were to exceed these levels. There is also a worry about the capacity of water storage facilities for Stittsville should expansion occur beyond this level.

Mr. Atkins considered that the lands subject to Referrals 20, 21 and 22 should not be included in the Urban Area because of the present constraints as to sewage and water services. He expects that the Western Growth Expansion Study will assist in determining impact of new growth on existing services and also identify strategies for the provision of needed services.

In Mr. Atkins' professional opinion, the availability of services (water and sewage) must be an issue in considering any expansion of the urban area of Stittsville. The lands subject of Referral 19 should only be developed on a "no cost" to the Region basis as is provided in Part 2 (Section 2.2.9) of the Plan. Further, development of these lands should be subject to staging in view of the overall servicing constraints as to both water and sewage.

The Township Planning Director, Grant Lindsay testified that the Township was in accord with the modifications now proposed by the

Region through the filing of Exhibit 171. If the Board should make these modifications, a more appropriate zone classification for the Referral 19 lands, also subject to appeal as to By-law 45-88 as to the R1-9 zoning applied, would be a Development (D) zone as contained in the Comprehensive Zoning By-law 77-60. The only uses permitted in the D zone would be existing residential or non residential uses; any land use change would require an amendment to the Zoning By-law.

The Board also heard evidence from Raymond Essiambre who is a planning consultant retained by the owners of the Holitzner/Argue lands. Mr. Essiambre's evidence was that these lands are needed to implement the Regional Development Strategy and Official Plan Amendment No. 60. However, he was in agreement with Mr. Tunnacliffe and Mr. Lindsay as to the appropriateness of the staging provisions, and with Mr. Lindsay as to the imposition of a Development (D) zoning until residential development can occur.

Mr. Essiambre filed as Exhibit 187, a concept plan for the development of the Holitzner-Argue 75 hectare holding with 661 lots.

Michael J. Bacon, a planning consultant, gave evidence on behalf of the owners of the Gibson-Davidson lands. These lands are subject to Referrals 20, 21 and 22 to the 1988 Regional Plan and Referral 4 to Amendment No. 60 as to their inclusion in the Stittsville Urban Area.

Mr. Bacon described the location and topography of his clients' property and features of the surrounding area in some detail. The Board understands this land, to the south of a C.P.R. right-of-way which is likely to be abandoned, is immediately adjacent to single family residential development to the west and north and immediately to the east and south of the existing boundaries of Stittsville.

Fernbank Road runs through the lands separating what is identified on Exhibit 191 as the Gibson and Davidson lands. Most of the land north of Fernbank is wooded; land to the south is open but not in active production.

A major feature in the area and one which Mr. Bacon considers to have impact on the designation of his clients' lands is the presence of a Hydro Right of Way a short distance to the east of the lands. Generally speaking this right of way also marks the demarcation between good agricultural lands further east and the marginal resource type lands occupied by the bulk of the Gibson-Davidson property.

From exhibits filed, the Board understands that approximately 121 hectares are included in these referrals; 103 hectares of the Gibson property and 18 hectares of the Davidson property are involved. Exhibit 192 a schedule showing a residential development concept at a density of 8.9 units per hectare, park areas and roads was provided and explained by Mr. Bacon. Mr. Bacon considered a density of 8.9 units per hectare, rather than a higher density, as a likely level of development of these lands as there is a tendency towards larger residential lots in Stittsville than in other urban areas of the Region.

Mr. Bacon also filed a witness statement as Exhibit 189. This statement notes that between 20 and 35 hectares of land is required for urban purposes over and above that already included in Amendment No. 60. Mr. Bacon proposed that this land be found within the Gibson-Davidson holdings. Mr. Bacon based his findings in this research upon the 1986 census and the Goulbourn Municipal Housing Statement. On cross-examination, Mr. Bacon stated that he thought about 50 to 60 hectares over and above the lands included in

Referral 19 would be necessary to provide a maximum of 6,000 dwelling units. He further stated that only about 40 hectares of the Gibson-Davidson lands would be needed to achieve the development cap.

Mr. Bacon outlined a number of reasons why he considers the subject lands should enjoy an urban area designation in the two planning documents. North-south linkages through Stittsville are needed. Mr. Bacon does not think the municipality can afford to build the western by-pass road which is unnecessary. Instead, he recommended an "eastern" collector road through the Gibson lands between Fernbank and Abbott Road to the north. An eastern by-pass route would be better; it would relieve pressure on Main Street, minimize potential traffic conflicts and be more cost effective. There is a possibility transit services will be extended to this area through utilization of the old right of way. Further, if a high school, which is under discussion, were constructed in the north west portion of the lands, its specialized facilities would be available to a greater residential population both as to those in immediate proximity and others able to access it through transit.

Designation of these lands would provide enough land to permit Stittsville to reach the goal of 6,000 dwelling units; their inclusion would permit balanced development between the east and west areas of Stittsville. An important road system can be achieved.

The majority of the northerly lands can now be connected to public services. Mr. Bacon believes that there is now adequate capacity available to provide for residential development of his clients' lands. Employment opportunities in Stittsville have not emerged. Mr. Bacon does not expect this situation will change, any industry attracted to Stittsville will not be labour intensive.

Mr. Bacon does not think these lands should be included in the West Urban Community Planning Study. Originally the properties were part of the village of Stittsville but as marginal resource and hazard lands. They are really a part of Stittsville which has its own identity as a development node.

The Board will deal first with Referral 19 to the 1988 Regional Plan, Referral 2 to Amendment No. 60 and the appeals of By-law 45-88 as to these lands.

The Board understands from the submissions of counsel and the evidence of witnesses that all parties to these referrals and appeals, the Region and the Township are basically satisfied if the modifications recommended by the Region through the evidence of Mr. Tunnacliffe are made by the Board, and provided that in the case of one referrer Mr. Bell, an additional statement is included in the modification to the effect that the Region, the Town of Goulbourn and land owners within the Town of Stittsville other than those within the Stage 2 Residential designation shall not incur costs for the provision of the services as the result of the development of the lands in Stage 2.

The Board is satisfied upon the evidence adduced that designation of the lands identified as Referral 19 as Urban Area and General Urban Area on Schedules A and B is appropriate. These lands were included as part of the Stittsville Urban Area when the determination to increase the dwelling unit cap to 6,000 units was taken by Council. The lands are also considered part of the 1,200 hectares designated as comprising Urban Area in Stittsville (Section 2.2.1 (e)). Further, Regional Council specifically addressed the servicing of these lands in Section 2.2.9; servicing is to occur on a "no cost" to the Region basis.

The Board notes that another amendment to the Goulbourn Official Plan, Amendment No. 68, now in place, specifically limits development to a maximum of 6,000 units. The texts of the Regional and local plans are in accord as to total residential development in Stittsville.

However, designation of these lands as Residential without any limitation by the Township of Goulbourn raised the possibility that residential development in excess of the 6,000 unit cap in Stittsville could occur.

The concerns raised are not as to location or feasibility of residential development of the Referral 19 lands but rather as to the effect of additional residential development upon available services. Availability of services is one of the principal reasons for the provision of the cap. The Board accepts the evidence of Mr. Tunnacliffe that depending upon density, upwards of 1500 units could be developed on the Referral 19 lands and that lands in Stittsville already are or could be developed at densities which would result in a total of 5,665 units. Accordingly the cap of 6,000 units now accepted by both the Region and the Township of Goulbourn would be exceeded should residential development of these lands now occur.

The Board is satisfied on the evidence that if these lands are to be within the Urban Area of the 1988 Regional Plan and within the boundaries of Stittsville, some restriction on their present development must occur in order to attain clear consistency with the overarching provisions of the 1988 Regional Plan as to the amount and location of population to be provided in the Region and Stittsville. These provisions are directly linked to the ability of the Region to provide services, not only as to sewer and water but as to

transportation and other Regional facilities.

From the evidence of Mr. Tunnacliffe and Mr. Atkins, it is clear that at the present time no more than 6,000 dwelling units in Stittsville can be accommodated by the existing sewer system. Some work on parts of the system would be necessary to accommodate 6,000 units. Similarly, adequate water storage facilities would be strained if development much beyond that level were to occur.

Full residential development of the lands subject of Referral 19 would, from the evidence, add upwards of 1,500 units requiring infrastructure services. The cap would be exceeded by over 1,100 units. This would abrogate in part the very logical and necessary planning exercise carried out as to the provision of services for development and the placement of development in certain areas. It would also set a poor precedent for the treatment of other proposed development in similar circumstances in the Region.

The Board considers that the requirements set out in the requested modifications (Exhibits 171 and 171a) that costs of providing services to the Referral 19 lands will be borne by the land owners in Referral 19 only is reasonable in the circumstances.

Accordingly, the Board will modify Amendment No. 60 to provide for development of these lands on a staged basis and at no cost to the Region, the Township of Goulbourn or other land owners in Stittsville. Amendment of By-law 45-88, before the Board, to place these lands in a zoning classification where development potential is limited, follows. There is no need to modify the 1988 Regional Plan as to text or schedules.

The Board will now consider the Gibson-Davidson lands identified as Referrals 20, 21 and 22 and Referral 4 (in part as explained by Mr. Bacon at the commencement of his evidence). The issue is whether the 1988 Regional Plan and Amendment No. 60 should be modified to permit development of these lands. Both the Region and Bell Construction Ltd. oppose the inclusion of these lands in the urban area of Stittsville.

The Board has carefully examined the evidence given by Mr. Bacon both at the hearing and through Exhibit 189 as to needed lands in Stittsville in conjunction with the evidence of Mr. Tunnacliffe at the hearing and through the introduction of Exhibit 86, the Vacant Urban Residential Land Survey, updated to 1989 and Exhibit 174, the table computing the unit capacity of approved and referred residential lands in Amendment No. 60 as of November, 1990.

The Board accepts the evidence of Mr. Tunnacliffe that, with the designation of the Referral 19 lands, there is no deficit of residential land in Stittsville. Taking Exhibit 174, and setting aside the Referral 19 lands which would accommodate upwards of 1,500 units, there was as of November 1990, approved residential lands, built upon or subject to draft approved plans or having potential for development but not under draft plans, sufficient to accommodate 5,665 units. Accordingly, as of November 1990, a shortfall of 335 units existed. The inclusion of the Referral 19 lands on a staged basis turns that shortfall to a potential excess of 1,165 units over the cap should all residentially designated lands in the municipality be developed.

Exhibit 192 filed by Mr. Bacon is a concept plan for residential development of about 121 hectares of land containing 716 lots as well as streets and parks. As noted, Mr. Bacon during cross-examination

indicated that between 50 to 60 hectares was needed for development to reach the cap and that 40 hectares of the Gibson-Davidson lands would be necessary. A further figure provided by Exhibit 189, the witness statement indicates that 20 hectares of the Gibson-Davidson land would be necessary to theoretically allow Stittsville to reach its potential size of 6,000 units.

On the evidence of Mr. Tunnacliffe noted above, the cap is already exceeded by over 1,100 units without the Gibson-Davidson lands. No studies were adduced by Mr. Bacon to indicate that there is a need for this additional residential development even if evidence were available that services were available to accommodate it. On the other hand, there was evidence from Mr. Tunnacliffe as to the adequacy of available land (including the Referral 19 lands) to meet the need for residential uses both in the Region and in Stittsville for a number of years in the future.

Mr. Bacon was of the opinion that development of his clients' lands would not require additions to the existing municipal sewer system. However, the evidence of Mr. Atkins, which was unrefuted as to the capacity of the present services is to the contrary. The Board accepts the unchallenged engineering evidence of Mr. Atkins as to service capacities.

The Board has carefully reviewed the evidence of Mr. Tunnacliffe, Mr. Atkins and Mr. Bacon as to the treatment of the Referral 20, 21 and 22 lands. On balance, the Board in this instance prefers the opinion evidence of the witnesses Tunnacliffe and Atkins.

Section 1.7.2.10 of the 1988 Regional Plan, Policies for Implementation states (in part):

"When considering amendments to this Plan, Council shall have regard, among other things, to the following criteria:

(a) the impact of the proposed change on achievement of regional goals, objectives and policies expressed in this Plan and on other regional policies,

(b) the need for the proposed change, and

(c) the effect of the proposed change on the need for regional services and facilities."

These criteria provide a useful measure to the Board in considering modifications to the Plan. The Board heard no evidence as to any need to bring the Gibson-Davidson lands into residential development at this time but did hear considerable evidence as to potential negative impact and effect on achievement of goals as to population balances within the Region, provision of services and the increasing of need for further regional services and facilities beyond that available at this time.

The Board considered, as suggested by Mr. Kelly, modifying the 1988 Regional Plan and Amendment No. 60 to accord the Gibson-Davidson lands an urban designation similar to that accorded the Referral 19 lands. Such a designation would ensure no development could occur without full study of need and provision of necessary services for development but would signal that the ultimate use of the land would be of an urban nature.

However, the Board notes the Gibson-Davidson lands are already included in the West Urban Community Planning Study. As explained by Mr. Tunnacliffe and Mr. Atkins, this study will involve a considerable analysis of facilities and the need for designation of additional residential lands, not only as to the immediate area of Stittsville but further afield. Accordingly, any modification of the two plans in regard to the Gibson-Davidson lands at this time would be premature.

The Board will not modify the 1988 Regional Plan in regard to the lands identified as Referrals 19a and 19b on Schedules A and B to the Plan. The Board will approve the designation of the lands so identified on Schedule A as Urban Area and on Schedule B as General Urban Area respectively.

The Board will, pursuant to Section 17(18) of the Planning Act, 1983, modify Amendment No. 60 to the Official Plan of the Township of Goulbourn (the Stittsville Secondary Plan) as follows:

Modification No. 17

Part B - The Amendment, Section (2), page 4 as to Future Growth, be modified by deleting this Section in its entirety and replacing it with the following new Section (2), entitled "Stage 2 Residential". This new Section will read as follows:

Stage 2 Residential

The Township of Goulbourn shall not permit any development in this area to proceed until the necessary amendment is made to the Official Plan for the Regional Municipality of Ottawa-Carleton and adequate services are extended in accordance with the Regional Official Plan. The Regional Municipality of Ottawa-Carleton, the Township of Gloucester and land owners within the Township of Gloucester other than those in the Stage 2 Residential designation as delineated on Schedule A to Amendment No. 60, Land Use Plan, shall not incur any costs for the construction of watermains, sewers, roads or transitways relating to the development in Part of Lot 22, Cons. 9, 10 and 11.

The intent of the "Stage 2 Residential" designation is that the land within this designation remains undeveloped until it is required for urban development. At the same time, "Stage 2 Residential" designation indicates the lands will not be used for rural purposes indefinitely. The use of the land for urban purposes will only be permitted by an amendment to this Plan subject to the following:

(a) that the Regional Official Plan has been amended to reflect the dwelling unit limit increase for Stittsville beyond 6,000 units.

(b) that Policy 9 of Section 2.2 of the Regional Official Plan has been satisfied.

Modification 18

Schedule A, Land Use Plan, is modified by deleting the Residential designation shown on Part of Lot 22, Conc. 9,

10 and 11, and replacing it with a Stage 2 Residential designation.

Modification 19

Part B, The Amendment, is further modified by the addition of a new Section (19A) as follows:

(19A) Section 7 "Transportation Policies" of the Official Plan of the Goulbourn Planning Area, is hereby amended by adding a new policy area to Section 7(8) as "(iv) Stittsville By-pass Road", as follows:

"(iv) Stittsville By-pass Road

To reduce traffic congestion in Stittsville, especially along Main Street, a by-pass road is proposed along the westerly boundary of the community.

1. Schedule A shows a conceptual location of the road, however, its precise location, alignment and the design of the intersections shall be determined in co-ordination with all affected parties and following a detailed road study.

2. New development in Stittsville shall be subject to a levy to fund the costs of constructing the road.

3. The Regional Municipality has made no commitment to fund the Road."

As so modified as to these specific matters, these portions of the text, together with Schedule A, Land Use Plan of Official Plan Amendment No. 60 as to part of Lot 22, Concession 9, 10 and 11, Township of Goulbourn, now are approved. The Board will not modify Amendment No. 60 as requested initially by those requesting Referrals 2 and 7. Those portions are approved as referred.

The Board will not modify Amendment No. 60 to include the lands identified as Referral 4 and outlined in red on Exhibit 163 within the boundaries of the Stittsville Urban Area. The designation of those lands is approved as referred.

The Board will not modify the 1988 Regional Plan to include the lands identified as Referrals 20, 21 and 22 on Exhibit 163 in the Urban Area, Schedule A. The Board will approve the designation of these lands as General Rural Area on Schedule A of the 1988 Regional Plan.

The Board will not modify the text of Section 2.2 Policy 1.(e) of the 1988 Regional Plan as to the area designated Urban Area in Stittsville. The text of Section 2.2, Policy 1.(e) is approved.

The Board will not modify the text of Section 2.2 Policy 5. of the 1988 Regional Plan as it relates to dwelling units and jobs in Stittsville. The text of Part 2. Section 2.2, Policy 5 is approved as to Stittsville.

The Board allows the appeals concerning By-law 45-88 in part. Map 6 of Schedule "A" to By-law 45-88 is amended to change the land use classification of lands described as Part Lot 22, Concessions 9, 10 and 11, Township of Goulbourn and delineated in yellow on Exhibit 138 from Residential Type 1 Zone - 9 (R1-9) to Development Zone (D). In all other respects, the appeals of By-law 45-88 concerning this portion of the hearing are dismissed.

B. <u>Referral No. 9 to Amendment No. 60 and appeal of By-law 45-88 by W. J. Bell and Son Construction</u>

Referral No. 9 and related appeal of By-law 45-88 is concerned with a small area of land in the southwest quadrant of Stittsville lying just to the east of a local road called Elm Street. This area, comprising about 4383 square metres, is known as part of the J. P. Chenier or Cyprus Gardens subdivision. This land was designated Major Open Space in the Goulbourn Official Plan and zoned Open Space (OS) by By-law 51-83. However, Amendment No. 60 designates the land Residential and By-law 45-88 currently zones the land Residential Type 1 (R1) Zone.

Just to the east of the subject area is a larger parcel of land which is designated as Open Space and Environmental Protection in

Amendment No. 60 and zoned for Open Space uses (OS). Surrounding lands are designated and zoned for residential uses.

Mr. Lindsay outlined a considerable history surrounding the approval of residential subdivision plans in the vicinity. In 1960, the Cypress Gardens plan of subdivision was registered in two parts as Cypress Gardens Parts 1 and 2. Plan 733-2, Part 2 contained land to the north of Bell Street, while Plan 733-1 Part 1 covered land to the south. One of the features of Plan 733-1 was the presence of two Blocks. Block A was the original park dedication for the subdivision; Block B was set aside for school purposes. However, although Block A was conveyed to the municipality, Block B was not. Both Blocks A and B were designated and zoned for open space uses.

Development of lands subject to Plan 733-2 proceeded to some extent; however, lands covered by Plan 733-1 remained undeveloped. In the 1980's, a resubdivision of the area was carried forward and registered in February, 1989 as Plan 4M-692. At that time full municipal services were available; accordingly lot areas were reduced and a new street pattern produced. It was determined that a school site was no longer needed; a resubdivision of Block B took place and was registered as Plan 4M-737 in December, 1989. Block A, the original park area was expanded by the addition of a 3,212 square metre parcel of land in a linear configuration formerly part of the school site, now identified as Block 85, and shown in yellow on Exhibit 159.

It has now been determined that a strip of land along the west side of Block A, containing 1,368 square metres and owned by the municipality, together with a second strip of land adjacent to it, containing 3,015 square metres and now owned by the developer Merivale Developments Ltd., should be merged to permit the

development of 6 single family lots. The 3,015 square metre parcel forms part of the old road allowance for Elm Street and now is shown as Block 86 on Exhibit 159. Mr. Lindsay explained that the municipality in fact is giving up the 1,368 square metre parcel of land in exchange for Block 85 which will be added to the park. The subdivision agreement for the subdivision registered as Plan 4M-692 provides for development of the park together with a storm retention pond.

In order to permit this development to occur, a redesignation of these two land areas, being Block 86 and the strip of land along the west side of Block A, from Open Space to Residential in Amendment No. 60 and a corresponding rezoning from Open Space to Residential Type 1 in By-law 45-88 took place. Bell Construction requested the referral of the redesignation and also appealed the change in zone classification.

Mr. Lindsay testified that in his opinion the proposal to exchange lands and permit development of 6 residential lots constitutes good planning. Development of the remaining subdivision lands, which has been dormant for a number of years, will now proceed and produce needed single family housing in the municipality.

Pursuant to the subdivision agreement (Exhibit 167) the developer will provide various storm water drainage improvements and develop the rest of Block A in two respects; a soccer field which will also serve as a storm retention pond will be provided. The rest of the site will be developed with a tot lot and parking area. Accordingly, the municipality is gaining a storm retention area, recreational facilities and parking therefore in exchange for a 1,368 square metre parcel of land, together with permission, through the official plan amendment and rezoning, for the development of six

single family homes to occur on that parcel and the adjacent Block 86 which is now owned by the developer.

The municipality has received Block 85 as additional parkland; accordingly, even if the strip of land owned by the municipality and containing 1,368 square metres is given up for development, the total amount of parkland available is still greater than the original dedicated amount. In this respect, Mr. Lindsay commented upon the ability of the proposal to now satisfy the matter of parkland dedication as provided by Section 50(5) of the Planning Act. He is satisfied that the percentage of lands now dedicated for park use is now 6.115% of the lands contained in the old Plan 733.

The Board also heard evidence from James Bell, principal of the referror and appellant corporation, Bell Construction. Mr. Bell and his wife own building lots in the northern part of the subdivision and members of his family are residing in homes already constructed near the park.

He is concerned at the loss of parkland and its replacement with six building lots. He is also concerned as to the safety of the storm water management system since a pond on the soccer field would be utilized in times of heavy run off.

Keldine Fitzgerald, who lives at 32 Elm Street also gave evidence. She is troubled that the soccer field will be smaller than regulation size. Ditches around the field, and the field itself, will be very close to the rear property lines of the six lots. She would prefer that other arrangements regarding the location and layout of parking area and soccer field be made.

The Board upon reviewing the evidence of Mr. Lindsay, together with the concerns of Mr. Bell and Ms Fitzgerald is satisfied that the changes in land use to be accomplished through this redesignation and rezoning make good planning sense, which is to say, good common sense. As indicated by Mr. Lindsay, a number of long standing issues will be accomplished through the new subdivision agreement and development will be able to proceed. There has been no loss of public parkland, rather there has been a reconfiguration and a small increase in land available for public purposes. The municipality will now accomplish, through the undertaking of the developer, redevelopment of the greater part of Block A for organized sport activity, a tot lot and parking, together with the provision of a needed storm water retention pond. From exhibits filed, the configuration and location of the six lots appear appropriate for residential development.

The Board notes the concerns raised by Mr. Bell and Mrs. Fitzgerald as to the layout of the pond and other matters. These issues are the responsibility of the municipality and the developer. The Board has neither the plan of resubdivision or approval of plans and drawings relating to the park area pursuant to Section 40 of the Planning Act, 1983 before it. However, from the exhibits filed, including the subdivision agreement and site plan, and the description provided by Mr. Lindsay of the goals to be accomplished through the agreement reached by these two parties, the Board is satisfied that the land use planning issues involved in redesignation and rezoning of the parcel of land identified on Schedules 163 and 135 are satisfactorily answered.

Accordingly, the Board approves without modification the designation of the lands shown in green on Schedule 163 (Referral 9 to Amendment No. 60 of the Official Plan of the Township of

Goulbourn) as Residential. The appeal of W. J. Bell and Son Construction regarding By-law 45-88 as it affects these same lands is dismissed.

C. Referral No. 10 to Amendment No. 60, and appeal as to By-law 45-88 by Fred Spearman

For the last 30 years, Fred Spearman has owned two adjacent lots fronting on the north side of Fernbank Road in Stittsville. Each lot, with a frontage of 105 feet on Fernbank, has an area of about half an acre. The westerly lot is occupied by a single family dwelling. The easterly lot, subject of this referral and appeal, is developed with a single family dwelling and a garage. The garage contains a dairy equipment sales and repair business owned by Mr. Spearman. The dwelling is occupied residentially. Mr. Spearman does not reside on the property.

Over the years some residential development has occurred along Fernbank Road. Presently, there are two single family homes on the north side of the road to the east of the two Spearman lots. A church and cemetery are located further to the east. There are six new single family homes located on lots fronting on the south side of Fernbank and similar residential development continues down Etta Road to the south.

Initially, the Township of Goulbourn Official Plan adopted in 1977 designated the Spearman lands as Marginal Resource Area; some limited rural commercial development was permitted on land so designated. In 1977, the lot was zoned General Commercial (C) by Zoning By-law 77-60. Official Plan Amendment No. 27, adopted in 1983 by the enactment of By-law 44-83, redesignated the Spearman lands to Low Density Residential. However, Zoning By-law 51-83, enacted later

in 1983, continued the commercial zoning of the lot through a General Commercial (C) classification.

Amendment No. 60 now designates the Spearman lands as Residential, while By-law 45-88 places a residential zone classification "R1-9 Residential Type 1" on both lots. This land use designation and classification would permit residential development consisting of a single family dwelling, home occupations, public parks and public uses. Surrounding lands, with the exception of the church and cemetery, which are designated Institutional, are designated and zoned residentially. Two parcels of Open Space and Environmental Protection Areas are also located in the general vicinity.

Mr. Spearman requested referral of the Residential land use designation of the easterly lot to the Board and also appealed the change in land classification of the easterly lot from Commercial (C) to a Residential Type 1 (R1-9) zoning in By-law 45-88. The Board notes that Mr. Spearman's appeal as to By-law 45-88 was filed after the 35 day period for taking such action had passed. However, the Board will consider this appeal in the context of Referral No. 10 since any determination that Amendment No. 60 be modified would involve some subsequent amendment to By-law 45-88 in order to bring it into conformity with the Plan.

Mr. Lindsay, on behalf of the Township, gave evidence that Amendment No. 60 should not be modified as to the Spearman lands. The Board heard evidence in support of modification of Amendment No. 60 and amendment of By-law 45-88 regarding this lot from both Mr. Spearman and Arnold Faintuck, a consulting planner appearing on Mr. Spearman's behalf.

Mr. Lindsay explained the history of official plan and zoning by-law amendments affecting lands in this part of Stittsville. He freely admitted that, over time, inconsistencies in the planning documents as they affected the easterly lot owned by Mr. Spearman occurred.

Fernbank Road runs east and west across the southerly area of Stittsville. It is traversed by Regional Road No. 5 (which becomes Main Street to the north) about 350 metres east of the Spearman property. Mr. Lindsay explained that Fernbank Road is not an arterial road; however, it is recognized that in the future it will be improved to a level where it can operate in at least a collector capacity.

As noted earlier in the decision, the concentration of commercial development in the Main Street Corridor and revitalization and upgrading of Main Street in the older part of the village are considered very important issues. It is Mr. Lindsay's opinion that scattering commercial development through the town so as to dilute the Main Street Corridor's potential for commercial development should be avoided. Accordingly, it is more appropriate to designate and zone the Spearman lot for residential, rather than commercial use.

There is concern the lot, should it continue to be zoned commercial, could be sold for commercial development resulting in an incompatible commercial use adjacent to surrounding residential and institutional uses.

On cross-examination, Mr. Lindsay outlined lands designated for residential development to the north and west of the Spearman land. It is intended a walkway system will eventually link these areas with

the Main Street Corridor which would be about one half mile distant from the residential area to the west. No plans for convenience commercial services for these residential areas have yet come forward. Success of any convenience commercial centres would depend on the density of residential development to be served.

In his opinion, the existing dairy equipment sales and repair service located on the lot is protected as a legal non-conforming use.

Mr. Spearman testified that he purchased the property in 1960. He is a real estate salesman and a farmer. The dairy equipment business serves a great area of the Region, principally through calls at dairies to sell and service equipment in place. Mr. Spearman strongly objects to the downzoning of the lot for economic reasons. The property was previously zoned Commercial. In his view, the Official Plan should recognize the existing situation, be modified accordingly and the commercial rezoning restored.

Mr. Faintuck considers it is reasonable that this property which fronts on Fernbank should be designated and continue to be zoned for commercial use. Fernbank Road is already a busy road. There will be additional activity in the future as residential subdivision development now planned occurs in this area of transition. There is a developing urbanization of the area. The dairy business use forms part of an already present small cluster of non-residential uses, other uses being the church and cemetery. All these uses are oriented to Fernbank Road. This cluster is sufficiently removed from Main Street and will not attract commercial business from that area so as to interfere with its revitalization. However, commercial development in this "cluster" would serve the needs of residential uses which will be appearing in the immediate area.

Plans of subdivision filed by Mr. Faintuck also indicate that residential lots adjacent to Fernbank in the immediate vicinity of the subject lot will not have access to that road.

In Mr. Faintuck's opinion, there are warrants justifying the designation of the easterly lot as Commercial. Its location along a busy road and in a cluster of non-residential uses deserves consideration. Further, commercial development will not interfere with development patterns to the north and south. There would, because of the separation factor be no impact on Main Street revitalization.

Mr. Faintuck views the residential designation applied by Amendment No. 60 and the corresponding zone classification set out in By-law 45-88 as inappropriate given the long history of official plan designation, zoning classification and commercial land use on the lot.

Further, in his view, it is unfair to place this owner in a situation where he must rely on "legal non-conforming use" provisions of the Planning Act to protect his commercial property rights.

Mr. Faintuck brought Modification No. 5 of Amendment No. 60 to the Board's attention. Modification No. 5 adds a new subsection 5A to Amendment No. 60. Section 5A provides (in part) that:

> "The Residential classification of land means that the predominant use of the land in the area so designated shall be for residential purposes. In addition, such uses as are complementary to or serve the basic residential uses, shall be permitted."

Section 5A(b) goes on to describe non-residential uses in residential areas. Local commercial uses servicing the day-to-day

needs of the immediate neighbourhood are permitted but are generally restricted to arterial or collector roads and limited in size and sited to minimize effect on adjacent residential uses.

Section 5A(b)(iii) provides that:

> "Local commercial uses and certain institutional uses shall be placed in a separate zoning category in the implementing zoning by-law and permitted only through specific rezoning."

Section 5A(b)(iv) states that special site development requirements may be required in the implementing zoning by-law. The Board notes that By-law 77-60 contains a Local Commercial (CL) Zone.

Prior to 1984 and adoption of Amendment No. 27 these lands were designated as Marginal Resource and commercial uses were permitted. Then in 1984, the Spearman property was designated Low Density Residential by Amendment No. 27. However, a zoning by-law enacted to implement Amendment No. 27, did not zone this lot in a residential classification but instead zoned the lands for commercial use. Nevertheless, since 1984, municipal intent that this property be residential has been clearly stated through the official plan documents. Amendment No. 60 reiterates this intent.

Presently a commercial use including a repair service is located in a garage accessory to a single family dwelling. However, from the evidence it should not be concluded that this use because of its location and space requirements is a minor use of the property. There are employees of the operation, travel to and from the site occurs and the sales and service is offered to dairy farmers throughout a wide area. The present use is certainly not a local commercial use in the sense of serving the immediate neighbourhood.

If this were a green field situation, there would be little question that the correct designation and zoning for the easterly Spearman lot would be residential as is now the case as to the westerly and surrounding lots. The municipal intent to concentrate commercial development on Main Street, tempered to some extent by Modification No. 5, is clear and makes good planning sense in the context of municipal land use development outlined in the evidence.

Further, although this lot is located on what, from the evidence, is likely to become an upgraded road, it is not at an intersection and is immediately adjacent to, and across from, single family homes. Its ability to satisfy criteria set out in Section 5A of Amendment 60 (Modification No. 5) would be a matter for review on a site specific basis through an application to amend the zoning by-law; lot size and configuration as appropriate or not for commercial development would be an issue in any such application.

In other words, the Residential land use designation in Amendment No. 60 now permits consideration of residential lands for local commercial use subject to satisfying criteria and attaining a site specific commercial rezoning. The westerly lot owned by Mr. Spearman is also designated Residential and also subject to the provisions of Section 5A discussed above. At this stage of land use development and redevelopment in Stittsville, the Residential land use designation provides sufficient flexibility for the Spearman lot to be considered for appropriate local commercial uses.

The Board turns to another aspect of the referral and appeal raised at the hearing. Mr. Spearman, before the enactment of By-law 45-88 which he has appealed, owned a lot which was zoned for commercial uses. This lot is now used in part for a commercial use. By-law 45-88 downzones the Spearman lot from a commercial to a

residential classification. The issue of fairness must be addressed.

The existing use, sales and repair of dairy equipment, is, pursuant to Section 34(9) and (10) of the Planning Act, 1983, protected as a legal non-conforming use. Mr. Spearman sees the loss he will incur as being economic through the loss of future development rights which have existed by virtue of the zoning by-law to the time of enactment of By-law 45-88.

Counsel for Mr. Spearman referred in argument to an earlier decision of the Board, Re City of Ottawa Restricted Area By-law 158-80, (1983) 13 O.M.B.R. 86, which dealt with the issue of downzoning property. That panel noted another Board decision, Re City of Toronto Restricted Area By-laws 234-75 and 300-75, (1977) 7 O.M.B.R. 344.

Both these decisions predate the coming into effect of the Planning Act, 1983. The Board no longer approves zoning by-laws enacted by municipal councils but instead considers appeals against zoning by-laws enacted by councils or the refusal of a council to amend a by-law. Nor is one panel of the Board bound by the decision of another panel. Nevertheless, the rationale as to downzoning set out in these two decisions is worth serious consideration.

The principle set out in these cases is that the Board in reviewing a downzoning of lands should, because of the taking away of an individual owner's right to use or develop land, consider that a special burden rests on the municipality to establish that the effect of the downzoning will be a greater benefit to the public than the resulting disbenefit to the owner. This panel of the Board, in applying that test, sees the burden on the municipality having been successfully addressed in this hearing through the planning evidence

advanced by Mr. Lindsay.

This municipality has been for a considerable period of time concerned with the rationale for development of Stittsville which is now considered to be an urban area. Stittsville is rapidly growing. Evidence was given that lands in southwest Stittsville are in transition and under development pressure for residential use. At the same time the revitalization of Main Street as a viable and interesting commercial area is considered an important goal. As noted above, Modification No. 5 to Amendment No. 60 anticipates some local commercial uses in Residential Areas subject to the site attaining a specific rezoning and meeting certain criteria. All of these intentions are now supported by a matrix of planning determinations at the local and regional level.

The benefit to the municipality, its residents and Stittsville property owners of both residential and commercial lands of the land use planning exercise culminating in Amendment 60 and By-law 45-88 is the attaining and preservation of a well balanced and coherently planned community. The disbenefit to Mr. Spearman, through the downzoning of his property to accord with the use pattern intended by the Plan in that area is forfeiture of possible future economic gain.

The Board, after reviewing the evidence and argument determines:

(i) the present retail sales and service use is not a local commercial use but a region wide service. As such, it does not fit the pattern of the Plan for development in this area. Its continuance as a legal non-conforming use is not in question.

(ii) development of this lot, together with the adjacent lot to the west (also designated and zoned residentially), for local commercial use in the future remains a possibility if the owner can satisfy the requirements of Section 5A of Amendment No. 60.

(iii) The lot is midblock rather than at an intersection. Exhibits and oral evidence reveal single family residential development exists on either side of the subject lot as well as to the south and along Etta Road. More residential development in the area is anticipated. Uncontrolled commercial development of the east lot clearly would not be appropriate in view of the overall planning strategy for the area and Stittsville as set out in Amendment No. 60.

(iv) Loss by Mr. Spearman of the General Commercial (C) zoning he previously enjoyed is counterbalanced by the public benefits flowing from the planning process as structured through Amendment No. 60 including Modification No. 5. The designation and zoning of the easterly lot owned by Mr. Spearman for residential uses is an integral part of the comprehensive land use planning programme that has gone forward for Stittsville.

The Board is satisfied after a full review of the evidence that it is appropriate, weighing all the circumstances, that the eastern lot be designated Residential and zoned Residential Type 1-9 (R1-9).

The Board will not modify Schedule A Land Use Plan of Amendment No. 60 as requested. The Board will approve the designation of the easterly Spearman lot located on Fernbank Road west of Regional

Road 5 as Residential. The appeal of Fred Spearman as to By-law 45-88 is dismissed.

7. TRANSPORTATION ITEMS

In Volume 1 of the 1988 Regional Plan, as adopted by Regional Council, Transportation Policies are contained in Part 11, which has been approved, without modification, by the Minister. The four transportation matters referred to this Board by the Minister are shown on Schedules C1 and C2 in Volume 2 of the adopted Regional Plan as Referrals 30, 31, 32, and 33. In all other respects, the Minister has given approval to Schedules C1 and C2.

Referrals 30 and 32 relate to the Vanier Parkway and are referred to this Board on the request of the New Edinburgh Community Alliance. In essence, the alliance objects to the designation on Schedule C1 which shows a future extension of Vanier Parkway, and the designation on Schedule C2 which shows a right-of-way protection policy plan.

Referrals 31 and 33 relate to:

(a) the extension of the Alta Vista Parkway from Walkley Road to a connection with Nicholas Street at the Queensway together with a new crossing of the River;

(b) an extension of Industrial Avenue from Alta Vista Drive to the proposed new Alta Vista Parkway; and

(c) the Queensway Collector Upgrade including a new crossing of the Canal.

Referrals 31 and 33 are referred to this Board on the request of the Ottawa East Community Association. In essence, the Association objects to the proposed new River crossing, the proposed new Canal crossing, and the changes proposed for Catherine Street, Chamberlain Street, and Isabella Street, all of which are shown as designations on Schedules C1 and C2.

Evidence in support of the adopted Regional Plan was given by Nicholas Tunnacliffe. By reference to the 1974 Regional Plan he gave a detailed historical review of the development of policies which led to the ultimate approval of a Regional Transportation System as envisioned by the 1974 Plan. That system included the elements now under consideration by this Board. Regional Council has adopted a Regional Development Strategy which forms the basis of the need for an adequate Transportation System. In Part 11 of the adopted (and approved) 1988 Regional Plan, the Council has stated two Regional interests which are:

"1. The integration of the transportation facilities provided by all levels of government.

2. Providing a Regional transportation system that supports the desired development pattern."

From those stated Regional interests flowed a number of stated objectives, which are as follows:

"1. To provide an integrated transportation system, made up of complementary public transit and road systems, which supports and meets the needs of the desired development pattern.

2. To provide a safe, convenient and efficient transportation system which provides a high level of road and public transit accessibility to major centres of activity throughout Ottawa-Carleton.

3. To achieve a level of transit share of travel in each major corridor such that all residual travel can be accommodated on the road facilities provided for in this Plan.

4. To adopt a level of service standard for the road system during weekday peak periods of travel which will result in a high level of utilization of the road system capacity, but will not involve substantial delays and low travel speed. This condition generally described an operating level of service "D" as defined by transportation engineers.

5. To consider areas of environmental sensitivity in the development and operation of the transportation system.

6. To contribute to energy conservation by operating a transportation system which is energy efficient."

As stated in the 1988 Regional Plan, those objectives were followed by 28 separate policies related to roads, Ottawa River bridges, transit, cycling and pedestrians, and transportation terminals. Taken together, that is the approved "Part 11: Transportation" of the Official Plan, to be read in conjunction with the various Schedules to the Plan.

Mr. Tunnacliffe said the Official Plan emphasizes the interrelationship between land use and transportation and reflects the intent of the Regional Development Strategy. He said that Regional Council is committed to following the requirements of the Environmental Assessment Act at the time of implementation of Official Plan policies, and at that time individual works projects would be subject to full scrutiny by citizens. The Central Area remains the major focal point in Ottawa-Carleton and the designated roads are vital parts of the transportation system designed to allow the continued growth of the Central Area.

It is his stated opinion that the inclusion of:

- the Vanier Parkway extension to the MacDonald-Cartier Bridge
- the Alta Vista Parkway/Nicholas-Industrial connection/Queensway Upgrade

constitute good land use planning for the following reasons:

1. Based on reasonable assumptions related to the growth in travel the roads will be required to support the development provided for in the Official Plan.

2. The Official Plan was the subject of a lengthy and thorough consultation process which included consideration of the roads under referral at all stages in the process.

3. The designation in the Official Plan will enable Council to keep open the opportunity for construction of the roads. The actual decision to construct will be taken at a later date after appropriate studies.

4. These studies will include studies to meet the requirements of the Environmental Assessment Act where concerns about specific alignments and environmental impacts will be addressed. This process is in accordance with the policies in the Official Plan approved by Council and the Minister of Municipal Affairs.

5. Designation provides continuity with the policies of the 1974 Plan as approved by the Minister of Municipal Affairs and the Ontario Municipal Board.

His evidence was not disturbed by cross-examination, and it is clear to the Board that the Transportation Policies are necessary to assist in the implementation of the Regional Development Strategy policies stated at Section 2.2 of the Official Plan.

Dr. Louis Shallal is Director of Transportation Planning for the Regional Municipality and has been employed by the Region since 1974. From 1974 to 1975 he worked as a traffic planning engineer, and from 1975 to 1987 he was head of the Strategic Planning Branch, until his present employment. His curriculum vitae is contained in Exhibit 70 and details his work experience and responsibilities, including extensive work with simulation models and policy planning. He has been intimately involved in the Official Plan Review process with specific responsibility for transportation matters, including the transportation component of the Regional Development Strategy. His evidence supplements and supports the evidence of Mr. Tunnacliffe.

He reviewed those parts of the 1974 Regional Plan with respect to the establishment of the Regional Road System and the Region's jurisdiction in transportation matters. Since the approval of the 1974 Regional Plan, the Region has proceeded in an orderly manner to implement its policies by which the Regional Road System is established. The early commitment to a bus-oriented public transit system led to the construction of the Transitway.

Two underlying philosophies of the Regional Road System are:

(a) a commitment to maintain a high modal split (that percentage of traffic taken up by public transit) and provide priority to transit over road improvements, and

(b) a commitment to maintain, where possible, a Level of Service "D" for all traffic movement.

Dr. Shallal's evidence was highly technical and is detailed in parts of Exhibits 20, 27, 28, 36(b), (i), 36(m), 39, 58, 202, 203, 204, 205, and 206. The Board has reviewed all of those documents a second time, and it should be noted that all of those documents are now public information. It was his view at all times that the proposed road works which are under review herein (i.e. Vanier Parkway, Alta Vista Parkway, Queensway Upgrade) continue to be key elements for the successful operation of the Regional Road System.

As part of the Official Plan Review process, the Region retained a team of consulting transportation engineers who were assigned various tasks and eventually gave evidence which will be reported later in this decision. Their work was directed by a steering committee of senior staff of the Regional Municipality and the Ontario Ministry of Transportation. The consultants made extensive use of computer modelling, which is now a widely accepted method of forecasting traffic demand. There is no question in the Board's mind that the modelling used by the Region is proper and is supported by sound assumptions and an up-to-date data base. The studies recognized the Official Plan basis for a strong Central Area together with established and evolving urban communities outside the greenbelt to the east, the west, and the south. As well, it was essential to consider the relationship between Ottawa-Carleton and the Outaouais.

It was Dr. Shallal's opinion that, in the period from 1986 to 2011, population, dwelling units and employment will increase by 43 per cent, 61 per cent, and 64 per cent respectively. At the same time public transit use will increase by 122 per cent and personal vehicles by 42 per cent. The Regional Municipality has a role and

a responsibility to plan for that future, and the primary policy instrument is the Official Plan. Therefore, the Official Plan Schedules for the Regional Road System should be approved as adopted by the Regional Council.

Under cross-examination he said the Region already has rights-of-way for both the Alta Vista Parkway and the Vanier Parkway, and there is no justification to delay those projects in anticipation of possible future bridges across the Ottawa River. Those projects are needed now to maintain the impetus of future development, and existing bridge capacity should be maximized. Therefore, the designations should be retained in Schedules C1 and C2. With respect to the Queensway Upgrade, the letter from the Ministry of Transportation (Exhibit 206) clearly states its position that there is only room on the Queensway now for Provincial Highway traffic, and therefore the proposed Upgrade is needed. The requirements of the Environmental Assessment Act will ensure total public input before any construction commences on any single project.

Three consulting transportation engineers, Roderick McDougall, Robert Ridley and Keith McLean, were retained to study and report on transportation matters in three phases. Phase 1 studied and updated the Strategic Transportation Requirements Report, based on current projections of population and employment as allocated to the area municipalities. Phase 2 examined the need and justification for the specific road proposals that have been referred to this Board, based on assignments of future traffic to the Official Plan road network. Phase 3 included the presentation of evidence at the Board's hearing. Phase 1 is reported in full detail in Exhibit 208, and Phase 2 is reported in Exhibit 210, both supported by numerous additional exhibits.

The evidence of the three consultants, particularly Mr. McDougall, was extremely detailed and comprehensive and will not be reported in detail in this decision. In their evidence, the consultants referred constantly to the background information in the exhibits, (e.g. Exhibit 36(m) a Transportation Discussion Paper), many of which formed the basis of the transportation component of the Regional Development Strategy. In preparing this decision, the Board has again had reference to those exhibits to confirm its findings. The consultants were given planning targets for the year 2001 of a population of 870,000 and employment of 556,000, both significant increases from the 1986 figures of 607,000 and 340,000 respectively. As well, they considered the effect of the Outaouais Region's projected 2001 population of 227,000 and employment of 87,000, both of which are significant in the consideration of Ottawa River crossings which, in turn, becomes significant relative to the specific matters before this Board. Extensive use was made of screenlines and the policy guideline modal split in determining capacity and demand, all with a view to maintaining Level of Service "D". Current projections indicate that the population level of 870,000 will not be reached until the year 2011.

Mr. McDougall said that any forecasts are subject to variability based on the potential changes in the assumptions on which the forecasts are based. Therefore, a sensitivity analysis was conducted to examine the following five factors: distribution of employment, modal split, peaking factor, road capacities, and auto occupancy and ownership. The results of the analysis were optimistic with respect to the need for additional road facilities.

He gave lengthy evidence with respect to the assumptions and the analysis, and concluded that the specific road projects before this Board are strongly justified. Mr. McDougall maintains an extensive liaison within his profession throughout Canada and the United States and he said it is common knowledge in transportation engineering circles that Ottawa-Carleton has the highest modal split of all public transit systems in North America. It is his opinion that the proposed road facilities are key strategic road requirements to support the growth of the Region. Appendix A in the Phase 1 report contains his update of roadway capacity standards.

In the Phase 2 report, Sections 1.0, 2.0, and 3.0 are Mr. McDougall's work with respect to the need and justification for the specific road proposals under consideration herein. His analysis deals with the assignment of traffic in the p.m. peak hours to the road network, including the existing road system plus the additions in the Official Plan. The process utilizes the Region's computerized travel demand model, which estimates volumes of traffic between all zones of origin and destination within the study area which includes Ottawa-Carleton, Outaouais and the surrounding rural areas. Four assignments were undertaken and these are: Base 2011 assignment, 2011 assignment with 1986 modal splits, 2011 assignment with revised employment distribution, and 1986 assignment. The results were assessed under three considerations, which are:

1) The performance of the overall road network, as represented by the system vehicle hours, vehicle kilometres, average trip length, and average network speed.

2) The origin/destination pattern of trips that were assigned to the road facilities that are the subject of this hearing.

3) The volume of traffic actually assigned to the subject road facilities.

Exhibit 3.1, which follows page 13 in Exhibit 210, tabulates the road network performance. The results indicate that the overall performance of the road system is projected to decline over the 20 year planning period, because the capacity added by the Official Plan proposals is less than the demand that will result from growth to 870,000. By 2011, assuming all Official Plan road facilities are in place, the level of congestion will be higher than current conditions and therefore the Level of Service will deteriorate.

As given in evidence, and stated in his witness statement, it is Mr. McDougall's opinion that the following conclusions can be drawn from the Phase 1 and Phase 2 analysis:

1) The analysis identifies the vital role which each of the referral road facilities would play in a future road network to serve the development of Ottawa-Carleton.

2) Overall, it is expected over the next 20 years that the level of service on the road system will decline even with the road facilities identified in the Official Plan. It should be pointed out that this conclusion assumes full development of the transitway system as currently planned and achievement of the policy guideline modal splits that are established in the Region's Official Plan. One consequence of this conclusion is that the Region should continue to strongly emphasize the importance of developing the most effective public transit system possible. Another consequence of the conclusion is that all of the proposals for new roads and major road widenings that are contained in the Official Plan that has been approved

by Regional Council should be retained.

3) The role of the Vanier Parkway, including the extension from Beechwood to the MacDonald-Cartier Bridge, has been clearly demonstrated to serve trips between Outaouais and the east/southeast corridors. Significant growth is projected in these corridors and in Outaouais over the next 20 years.

4) The Queensway Upgrade, the Nicholas/Industrial connection and the Alta Vista Parkway together would function to provide the necessary access between the Central Area and the developing southeast and east corridors. A secondary but important function would be to also serve trips between points west of the Central Area and the southeast corridor. They should clearly be thought of as a single road system.

5) The base demand forecasts that were used in this analysis are in the low end of a fairly broad range. Increases in demand above this base forecast would have the effect of significantly deteriorating the level of service on the Official Plan road network. This further emphasizes the importance of retaining all of the planned road facilities as well as continuing to emphasize the development of an effective public transit system.

Extensive cross-examination by counsel for both referrors did not affect Mr. McDougall's evidence with respect to road and bridge capacities.

Robert Ridley is a consulting transportation engineer who had previously been employed in the Region's Transportation Engineering Department from 1973 to 1988. He was one of the three consultants who prepared the Phase 1 and Phase 2 reports contained in Exhibits 208 and 210. His specific area of concern was the Queensway Upgrade together with the proposed new crossings of the Canal and the River and the connection of Alta Vista Parkway to Nicholas Street.

As stated in his evidence and reported in Exhibit 208 from Page 46 to Page 160, he reviewed all available background material, including the Ottawa Queensway Downtown Study which had been jointly commissioned by the Regional Municipality and the Ministry of Transportation and was completed in 1985. His review was oriented to that portion of the transportation network which is affected by the referrals before the Board, and was complementary to the work of Mr. McDougall. He studied the current traffic operational conditions and evaluated these conditions based on recent traffic volumes and accident experience. The Queensway Study identified a number of shortcomings in the road network such as:

1) limited functionality of roads to the north and south of the Queensway because of geometric and alignment problems,

2) the absence of a bridge across the Canal to the north of the Queensway,

3) the presence of natural and man-made obstacles in the area, and

4) lack of sufficient capacity on surrounding one-way street systems.

The result of these shortcomings is that the Queensway and adjacent streets are operating at an unacceptable level of service. Some identified causes of these problems are:

1) peak hour demand in excess of capacity,

2) geometric deficiencies,

3) network discontinuities, and

4) conflicts at arterial intersections.

These causes are documented in the Phase 1 report and clearly show that the existing network is overloaded.

The conclusions of his Phase 1 study are:

i) the study area land use is dominated by mature residential areas, with commercial activities concentrated adjacent to the Queensway;

ii) the transportation network within the study area reflects a number of discontinuities due to geographic obstacles and current roadway configurations;

iii) the current transportation network has not been substantially improved over the last decade or longer, excepting works adjacent to the Rideau River;

iv) relatively few improvements to the current network are planned, excepting the redevelopment of Lees Avenue, and the roadways which are the subject of the O.M.B.

referrals;

v) much documentation exists with respect to past traffic operational problems in the study transportation network;

vi) current traffic volume data reflects high turning movements at many study intersections which can be attributed to network discontinuities, or to inadequacy in servicing current travel demand lines;

vii) vehicular accident conditions at many intersections in the study network reflect operational problems through continued high accident frequencies and/or rates;

viii) many unresolved operational concerns exist, many of which have been documented historically but which have persisted due to the absence of network improvements;

ix) network levels of service are generally poor, with many intersections and links operating at or below minimal acceptable standards; and,

x) the ability to upgrade the transportation system is constrained by a number of natural, socio-economic and engineering considerations.

A preliminary review of traffic projections suggests that in the future, conditions will worsen in the absence of roadway network improvements due to increased traffic demands. It is concluded that the study results confirm the need for a systematic review of the transportation network within the study area, and support the proposals of the Official Plan as one means of dealing with

transportation demand in the long run.

In his Phase 2 work Mr. Ridley analyzed three basic methods of improving the capability of the existing network. Those are:

1) isolated intersection improvements,

2) more extensive improvements such as the Queensway Upgrade, and,

3) how to accommodate travel which would otherwise be accommodated on the road proposals before the Board.

Those analyses are directed towards a projected 42 per cent growth in travel in the period from 1986 to 2011.

The first analysis indicated a possible increase of 7 per cent in network capability. The second analysis indicated an increase of 16 per cent in capability. Those are both inadequate for the projected 42 per cent growth. Following the third analysis, he has concluded that the road network requires extensive changes including:

(a) greater capacity of the arterial road network over the Rideau Canal;

(b) improvement to continuity of the existing routes parallel to the Queensway to permit traffic distribution and better use of existing Queensway ramps, especially the easterly extension of the arterial network between Metcalfe Street and Lees Avenue;

(c) provision of more direct connection between the Central Area and the southeast and east corridors.

It is his opinion that future travel demand within the study area will significantly exceed the ability of the existing transportation network to accommodate such demand, and therefore the Alta Vista Parkway, Queensway Upgrade, and Nicholas Street-Industrial Avenue Connection should be retained in the Official Plan.

Persistent cross-examination by counsel for the Ottawa East Community Association explored numerous individual aspects of Mr. Ridley's work, but his evidence was not disturbed.

Keith McLean is one of the three consulting transportation engineers who prepared the Phase 1 and Phase 2 reports. On his graduation from university in 1957 he entered the employ of the City of Ottawa Department of Traffic Engineering Services and was the Director of that department from 1966 to 1970. At that time the department was transferred to the new Regional Municipality of Ottawa-Carleton and he continued as Director of the department until 1974 when he entered the practice of consulting engineering. His consulting practice has been based in Ottawa since that time. He, therefore, has total familiarity with the growth of the transportation system in Ottawa-Carleton.

His area of concern in this proceeding is the Vanier Parkway and in the Phase 1 report his work is reported from Page 165 to Page 199. The Vanier Parkway is in service northerly from the Queensway to Beechwood Avenue. As included in the new Official Plan, and now subject to this proceeding, the proposed extension of the Vanier Parkway is northerly from Beechwood Avenue, thence westerly across the Rideau River to connect to the MacDonald-Cartier Bridge. Exact locations are shown on various exhibits entered at the hearing of this matter, notably Exhibits 195, 196, 217, 222, 223, and 247. The proposed Parkway would be located between the New Edinburgh Community

and the Rideau River, would require a new bridge across the River to the south of Ottawa City Hall, and would connect to the MacDonald-Cartier Bridge to the west of the External Affairs building.

The Parkway would be located on a former railway right-of-way. Exhibits 218 (A, B, C) are aerial photographs taken on May 11, 1928, and show the then existing railway terminating at Sussex Drive in the area now occupied by the access ramps to the MacDonald-Cartier Bridge. Exhibit 219 is a 1944 aerial photograph showing the railway right-of-way. Exhibits 220 (A, B) are 1966 aerial photographs of the same area and show that the railway has been removed and the MacDonald-Cartier Bridge has been constructed (1965). Exhibit 220(A) also indicates certain recreational uses in place on the lands between the former railway and the Rideau River. As described at Page 168 of Exhibit 208, successive planning studies in 1916, 1922, 1950, 1963, and 1965 have recommended the use of the railway right-of-way to construct an arterial type roadway. The proposal was subsequently endorsed in the 1974 Regional Plan. With the removal of the railway, the right-of-way came under the jurisdiction of the National Capital Commission.

Exhibit 221 is a copy of an agreement entered into on September 25, 1974, between the National Capital Commission, the Regional Municipality of Ottawa-Carleton, the City of Ottawa, and the City of Vanier. This agreement provided for the transfer of the right-of-way to the Regional Municipality and the construction of the "Vanier Arterial" from Presland Road in the south to the MacDonald-Cartier Bridge.

Later renamed "Vanier Parkway", the proposed road was incorporated into the 1988 Regional Official Plan. Exhibit 222 is a large scale plan showing the exact proposed right-of-way from

Beechwood Avenue to Sussex Drive.

It is Mr. McLean's view that the Vanier Parkway has long been an integral part of the policies which have guided the development of the Regional transportation network, and Exhibit 217 shows the area of influence of the Vanier Parkway.

Commencing at Page 183 of the Phase 1 report, Mr. McLean has reviewed the existing conditions with respect to traffic crossing the MacDonald-Cartier Bridge and using other streets in the area. Exhibits 5-1 and 5-2 at Pages 184 and 185 graphically show the 1990 morning and afternoon peak hour traffic movements and Table 5-1 at Page 186 analyzes each major street in the area.

The existing traffic conditions at those locations represent constraints to enhancing the capacity in the area road system. He identified six capital improvement measures which would assist in improving traffic conditions and those are:

1) The provision of an additional westbound left turn lane from Sussex Drive onto King Edward Avenue.

2) The provision of an additional eastbound right turn lane from Sussex Drive onto King Edward Avenue.

3) The provision of an additional northbound through lane from the King Edward Avenue and St. Patrick Street intersection to the MacDonald-Cartier Bridge. This lane would also provide for a free flow westbound right turn from St. Patrick Street onto King Edward Avenue.

4) Realignment of the Vanier Parkway and Beechwood Avenue intersection such that the Vanier Parkway links directly to St. Patrick Street. Beechwood Avenue would form a "T" intersection with the realigned route.

5) The complete closure of Crichton Street north of Beechwood Avenue to sever it from the Vanier Parkway or the closure of Crichton Street to only northbound traffic from the Vanier Parkway.

6) The provision of an eastbound double right turn lane from St. Patrick Street onto the Vanier Parkway.

He reviewed the traffic demand forecasts for the year 2011 and found those forecasts to be proper in light of the population forecasts of 870,000 for Ottawa-Carleton and 287,000 for Outaouais, and the employment forecasts of 560,000 for Ottawa-Carleton and 112,300 for Outaouais. He agrees that eventually one or more additional bridges will be required across the Ottawa River, but until those are in place the existing capacity must be optimized. Therefore, his conclusions are:

1) The capacity of the road system is limited at some of the key locations which are important links in the network serving the MacDonald-Cartier Bridge.

2) There are no practical traffic operational improvements that would provide significant increases in capacity at these key locations.

3) The Vanier Parkway Extension is a means of optimizing the use of the total road system capacity in the vicinity of the MacDonald-Cartier Bridge; although other capital improvement measures will also be examined as a means of achieving this objective which would normally be undertaken as part of the Environmental Assessment process.

In his Phase 2 report, commencing at Page 19 of Exhibit 210, Mr. McLean began his analysis by stating that the goal in designing a transportation network is to optimize the system. In this particular case that means get the traffic to the MacDonald-Cartier Bridge and use the surplus capacity of the bridge.

Mr. McLean used basic transportation engineering methodology in his analysis of all available data and forecasts, and he reached an immediate conclusion that the full capacity of the MacDonald-Cartier Bridge is not now being utilized because of inadequate linkage on the Ottawa side of the Bridge.

In his lengthy technical evidence (which is also detailed in Exhibit 210) he agrees that the eventual long-term solution, after the year 2011, is to construct a new bridge, possibly in the area of Kettle Island. However, <u>some</u> short-term relief would be available with a number of improvements to roads and intersections in the area. The best available solution for the planning horizon of 2011 is the construction of the proposed Vanier Parkway extension and the rearrangement of the Ottawa entrance to the Bridge as shown on Exhibit 223. It was not within his terms of reference to prepare cost estimates nor to address environmental issues.

It is, therefore, his opinion that the Vanier Parkway extension from Beechwood Avenue to the MacDonald-Cartier Bridge should remain as designated in the 1988 Regional Official Plan.

His evidence remained unchanged after cross-examination by counsel for the New Edinburgh Community Alliance.

Counsel for a group of land owners in the Township of Cumberland called Jane Ironside, a qualified municipal planner, to give evidence in support of the transportation policies and designations in the approved Regional Official Plan. Exhibit 226 contains Ms Ironside's witness statement and curriculum vitae. Her clients are nine land owners/builders who own 443.7 hectares (1,096 acres) of land in Cumberland adjacent to the built-up area of Orleans. By Amendment 1 to the 1988 Regional Official Plan, approximately 1,300 hectares of land were added to the Orleans urban area. That Amendment was adopted by Regional Council on November 9, 1988 and was approved by the Minister on June 13, 1990. Exhibit 227 shows the 1,300 hectares relative to the built-up area of Orleans. Of the 1,300 hectares, 443.7 hectares (34 per cent) are owned by the nine clients represented by Ms Ironside and are shown in brown colouring on Exhibit 227. Amendment 1 is in accordance with the Regional Development Strategy of the 1988 Regional Plan, which adopted the concept of additional expansion of the West, East and South Urban Communities outside the greenbelt. Population in Orleans increased from 12,377 in 1977 to 31,844 in 1987, mostly during the time of the Official Plan review.

The Orleans area is served by Highway 17, St. Joseph Boulevard (Regional Road 34), and Innes Road (Regional Road 30), all of which are directly connected to the road network which serves the Central

Area of Ottawa. The Township of Cumberland commissioned a land use planning study and a transportation study which, together, formed the basis of the Township's request for Amendment 1. Other studies are ongoing with respect to servicing, drainage, secondary planning and transportation. In light of the transportation modal split for the East Community, and the land use activity rate in Orleans, it is the Township's position that those Official Plan transportation policies now under reference to the Board should be retained in the Official Plan. The Queensway Upgrade, the Vanier Parkway, and the Alta Vista Parkway are all significant for the future development of the East Community.

Ms Ironside supports the evidence given by Mr. Tunnacliffe with respect to the appropriateness of the Official Plan policies. Amendment 1 is intended to assist the development of the East Community with the implementation of the transportation policies of the Official Plan. Any deletion from the proposed Queensway Upgrade will jeopardize the lands affected by Amendment 1 as well as the Regional Development Strategy.

From December 1975 to July 1988 Ms Ironside was an employee of the Planning Department of the City of Ottawa. She held a series of increasingly responsible positions, her last appointment being Manager of the Land Use and Development Division. She is thoroughly knowledgeable with respect to the City's most recent Official Plan. Under examination by counsel for the Regional Municipality she gave her opinion that the existing land uses adjacent to the Queensway support the concept of the Queensway Upgrade. She also said that the Vanier Parkway has always been recognized as an essential element of the City's Official Plan, and should now be retained in the 1988 Regional Plan.

When cross-examined by counsel for the Ottawa East Community, she said she agreed with the focus on transportation issues in the 1988 Regional Plan but she did not feel qualified to give any opinion with respect to traffic capacity or demand. In like manner, when cross-examined by counsel for the New Edinburgh Community Alliance, she said she was familiar with that Community and supported the location designated for the extension of the Vanier Parkway.

Anthony Wright is a Director of the South Keys/Greenboro Community Association in Ottawa. As documented in Exhibit 212, he made a submission on behalf of the South-Ottawa and Gloucester Transportation Committee. That is a working group comprised of representatives of: South Keys/Greenboro Community Association, Ridgemont Triangle Community Association, Hunt Club Park Community Association, and Emerald Woods Community Association, all of which are located in the southerly area of Ottawa and Gloucester. The submission is in support of the Alta Vista Parkway.

He said that the Alta Vista Parkway is needed to improve access to and from the area, not just for convenience but for safety reasons and environmental concerns. He said the proposed Parkway has been under discussion for many years and was recognized formally in the 1974 Regional Official Plan. He said this area of Ottawa and Gloucester is a designated growth area and the only arterial type roads now are Bank Street and St. Laurent Boulevard, which are often congested and unsafe. Many residents work in the Central Area of the City and the Parkway will greatly improve the public transit system to the area. He said the area is one of continuing development, which has been planned around the corridor reserved for the Parkway.

Therefore, many residents of the area support the designation in the Official Plan for the Alta Vista Parkway together with the

necessary crossing of the Rideau River and the Industrial Avenue connection.

In response to examination by counsel for the Regional Municipality, he said the area already contains a major new hospital complex, the Ottawa Business Park, and a Regional shopping centre. As well, it is expected that future growth in the Leitrim Area will adversely impact the traffic capacity of the existing road network.

The Ottawa East Community Association, together with certain owners of commercial properties adjacent to the Queensway, was represented by legal counsel and presented evidence to oppose the Official Plan proposals for the Queensway Upgrade and the additional crossings of the canal and the river.

Geoffrey Nimmo is president of the Ottawa East Community Association, an incorporated association with 130 members. His evidence is contained in Exhibit 230 and was given on behalf of the members of his association. His three specific objections to the Queensway Upgrade are:

1) As roads, they will destroy our community;
2) As lines on the map, they are already destroying the life savings of some of our citizens; and
3) As a transportation corridor, they will damage the City core while failing to help the residents of outlying communities.

He reviewed the history of Ottawa East from its establishment in the early 1860's and stressed the need to retain the historic character of the community. The community is located between the canal and the river and extends from Avenue Road in the south to Nicholas Street/Queensway in the north. The community is already

traversed by two major roadways: the east-west Queensway and the north-south Main Street. In recent years the character of the area has been eroded by various road widenings to improve traffic flows to and from the central area of the City.

The Official Plan proposals now under consideration before this Board, as shown on various exhibits, would involve major changes, including the conversion of Pretoria Bridge to one-way eastbound across the canal, a new bridge one way westbound across the canal, a new bridge across the river with a major interchange for the proposed Alta Vista Parkway at the Queensway, and numerous changes to create the Queensway collector system on existing roads. He said the impact of those proposals would be dramatic and destructive in terms of destruction of houses and businesses and he estimated that from 30 to 40 properties would be so affected. Parks and open space would be reduced. Local residents would lose the present style of use of the Pretoria Bridge which they now use for access to shopping and schools located west of the canal. Existing apartment buildings on Lees Avenue would be isolated, and the Federal government lands now zoned for family housing would be used for new roadways.

Mr. Nimmo said the impact which he described would be created for the sake of moving maybe 900 vehicles in and out of the central area. He suggested that alternatives should be explored, such as increased public transit and the construction of the proposed Inner Ring Road system. He said he does not have any expertise as a traffic planner, but it is his belief that the proposals are not effective solutions and should therefore be deleted from the Official Plan.

Under cross-examination he said the community has a population of 7,500 in 2,500 households, but only 130 households are members of

the Community Association. He did not have any specific objection to the proposed Alta Vista Parkway, and he was not certain as to specific dimensions of lands required for the proposed new roadways.

Nancy Smith has resided in Ottawa East since 1976 and has been an active member of the Community Association. Since 1980 she has represented the area as an elected member of City Council. She said the total impact of the proposals can only be determined by an Environmental Assessment, which has not been done. She said the roadways would use land which should be used for needed family housing and open space. The creation of a one-way collector system for the Queensway will adversely affect the access now enjoyed by the local residents for shopping and schools. It is, therefore, her opinion that the proposals represent bad planning and should not be approved.

Larry Spencer has, since November 1987, been employed as Director of Community Planning for the City of Ottawa Planning and Development Department. He was called, under subpoena, to give planning evidence on behalf of the Ottawa East Community Association. That evidence centred on two areas of concern.

With respect to regional land use impact, he said the Regional Plan supports decentralized employment, as a series of communities outside the Greenbelt where employment would be created for the local residents. In that respect, he expressed the view that the Queensway Upgrade may not be needed at this time.

His second area of concern was with respect to environmental impact. He said the proposed undertaking should be subjected to a full environmental assessment before being designated in the Official Plan even on a conceptual basis.

It is, therefore, his opinion that the Queensway Upgrade should not be approved as now proposed in the Regional Plan.

Under cross-examination Mr. Spencer said he had only been subpoenaed ten days before giving his evidence, and his evidence was not given as a representative of the City of Ottawa. He had not given evidence at any Ontario Municipal Board hearing prior to this presentation, and he has had very little involvement with the Environmental Assessment Act. In preparing his evidence, he had read the Phase 1 Report (Exhibit 208) but not the Phase 2 Report (Exhibit 210).

Raymond Barton is a professional engineer and since 1980 he has carried on an extensive consulting transportation engineering practice based in Ottawa. He was retained by Mr. Shinder in early November 1990, approximately one month before the Board commenced this hearing with respect to transportation matters. He reviewed the Regional Plan and the Phase 1 and Phase 2 Reports, as well as various other available documents and information with respect to the Queensway Upgrade.

From his study of available information he said the Region has concluded that current road capacity for the Rideau Canal Central screen line will be exceeded by 54 per cent by the year 2011 and, therefore, the Region's solution is the Queensway Upgrade. He said that concept is inappropriate because there would still be a high level of unsatisfied demand which would not be accommodated by the Queensway Upgrade. To support that opinion he relied on origin-destination data provided by the Region (in Exhibit 238). He, therefore, suggested there is a need for an alternative east-west by-pass route which may be longer but would provide a higher level of service. He said the Region had not looked seriously at such an

alternative.

He said the demand for the Queensway Upgrade is highly co-related with the level of employment in the Central Area, and if employment were shifted out of the Central Area, the need for the Queensway Upgrade would be negated. He said more analysis should be carried out on area roadway systems and there is now inadequate information to support the proposed Queensway Upgrade. He said that a high level of unsatisfied demand will continue to exist, even with the Queensway Upgrade in place and the Upgrade system will then attempt to function only as part of the Queensway. The result would be adverse impact on existing commercial properties in the area, such as the bus terminal. That adverse impact would be in the nature of inadequate access which would lead to deterioration of properties. He also listed other adverse impacts on the Ottawa East Community which have already been described by previous witnesses.

Mr. Barton said there are alternatives available, and he entered Exhibit 240 to illustrate his suggestion. Such alternatives, he said, should also include reconsideration of Central Area employment levels.

Mr. Barton was cross-examined extensively by counsel for the Regional Municipality of Ottawa-Carleton. He agreed that the Regional staff had cooperated fully in providing him with all available background documents which he requested and he had studied all of those documents. He agreed that "Part 11: Transportation" of the Regional Plan has already been approved in full by the Minister. Counsel entered Exhibit 242 "Outline of Regional Modelling Procedures", and although Mr. Barton said he had only done "some modelling" he did not disagree with the methodology used by the Region as described in Exhibit 242. He agreed that there is a

traffic capacity deficiency which must be resolved, but he did not carry out any capacity studies or modelling. He did not disagree with the findings of Exhibit 243 "Ottawa Queensway Downtown Corridor Study". In the result, this Board can only conclude that Mr. Barton's evidence is not sufficient to support his opinion that the Queensway Upgrade is either inappropriate or not needed.

The New Edinburgh Community includes the area generally extending from the Rideau River to MacKay Street, and from Beechwood Avenue in the south to Sussex Drive in the north. The New Edinburgh Community Alliance was incorporated on July 12, 1989, as a community organization for the purposes stated in the Letters Patent contained in Exhibit 245. The organization had been active for many years prior to its incorporation. David Henry has been an active member of the organization for 15 years. He served as President of the organization in 1978 and he was authorized to give evidence on behalf of the Alliance to support its opposition to the proposed extension of the Vanier Parkway. Exhibit 245 is a document book which records the numerous submissions made by the Alliance to various levels of government with respect to the Vanier Parkway.

New Edinburgh is a total residential community with many historic buildings and sites. Immediately to the east is the large property which is occupied by the residence of Canada's Governor General. To the north on Sussex Drive is the official residence of the nation's Prime Minister and to the west is the Ottawa City Hall. That is the setting for this family-oriented inner residential community.

One of the major attractions of the community is the New Edinburgh Park which utilizes the lands lying between Stanley and Crichton Streets and the Rideau River, and extending from Beechwood

Avenue to Sussex Drive. As detailed at Tab 3 of Exhibit 245, the Park provides recreation facilities such as: an outdoor rink, a softball diamond and a soccer field, as well as a bicycle path along the River and wide areas of open space. The Community residents have contributed many hours of volunteer labour, as well as financial resources, to establish and maintain those recreational facilities, notwithstanding that the lands were the subject of a certain agreement (Exhibit 221), by which it is proposed to use the lands for the construction of the Vanier Parkway. The Region's rationale for the Parkway has already been discussed earlier in this decision in the review of Mr. McLean's evidence.

Exhibit 244 is an aerial photograph which shows the New Edinburgh Community in its present state. Exhibit 247 is a copy of the same photograph which has been amended by a conceptual addition of the now proposed Vanier Parkway Extension. Mr. Henry said the construction of the Parkway would destroy the park, and there is no assurance that truck traffic would not be permitted on the Parkway. He said the proposed Parkway is simply a truck route to Quebec, and a more suitable solution to traffic capacity problems would be to construct another bridge across the Ottawa River in the area of Kettle Island. For now, he said truck traffic should be left on the present St. Patrick/King Edward route. As detailed in Exhibit 245, the Community has made many similar such presentations to various government bodies over a lengthy period of time. Quite simply stated, the construction of the Parkway would create major adverse environmental impact on the Community.

Michael J. Bacon, an experienced municipal planner, gave evidence on behalf of the New Edinburgh Community Alliance. It was his view that if the Regional Development Strategy is not implemented with respect to the establishment of urban communities outside the

Greenbelt, then the need would be diminished for more transportation facilities into and out of the Central Area. He said the Official Plan is only permissive in that respect. He said the Vanier Parkway would adversely impact the River Corridor and the New Edinburgh Community. He said it would be advantageous to encourage more housing closer to the Central Area to shorten workplace travel and provide a better living environment. He, therefore, is of the opinion that the proposed Vanier Parkway Extension should be removed from the Official Plan. Exhibit 265 contains a number of conclusions and recommendations which he submitted to support his position.

Tyrone Gan is a transportation engineer and he also gave evidence on behalf of the New Edinburgh Community Alliance. Mr. Gan is an associate of the same consulting firm as Mr. Bacon, and although Mr. Bacon was involved in this matter over a lengthy period of time Mr. Gan did not personally become involved until mid-November 1990. As a matter of fact, his counsel said his witness statement was delayed because he had only been retained 10 days before giving his evidence. As indicated in his curriculum vitae, Mr. Gan did have the benefit of previous consulting work in Ottawa, including the King Edward Avenue Traffic Study in 1987. Although most relevant Regional documents were available to him, he did not see the Phase 2 Analysis (Exhibit 210) until late in November 1990, maybe two weeks before giving his evidence. The Board notes that the Phase 2 Analysis is a highly significant document in this proceeding.

From his study and analysis of Regional documents, Mr. Gan concluded that the Region's future employment/population ratio really may not increase significantly over present levels. He, therefore, concludes that future peak hour travel will be lower than has been predicted by the Region, by as much as 15 per cent. However, he adopted the prediction that the employment/population ratio would

increase for the Communauté Régionale de L'Outaouais (CRO). If peak hour trip generation rates stay constant, the effect will then be to reduce the required capacity for Ottawa River crossings. Also, from his analysis, Mr. Gan believes the Region has overstated the capacity of the MacDonald-Cartier Bridge because the Region's classification of the bridge is not consistent with the physical characteristics of the bridge. His analysis, as shown in Exhibits 272 and 273, shows that there will eventually be a need for another bridge, even with the proposed Vanier Parkway Extension, if the Region's predictions are achieved.

However, it is his view that for some time to come, it would be prudent to carry out certain modest intersection improvements such as he demonstrated in Exhibits 267, 268, 269, 270 and 271. He said that the priority for the Vanier Parkway Extension should be set aside because the eventual construction of another bridge may eliminate the need for the now proposed Parkway Extension. Therefore, it is his opinion that the Vanier Parkway Extension should not be incorporated into the Official Plan.

Under cross-examination by counsel for the Regional Municipality, Mr. Gan said he was not a qualified demographer but he was familiar with typical population studies. However, he did not disagree with the Labour Force Activity Rate projections in Exhibit 276, an excerpt from the Interprovincial Bridge Study. He also agreed that it would be good planning to optimize the existing bridge capacity, but he did not produce any such detailed study for the MacDonald-Cartier Bridge. Exhibit 277 is an excerpt from the Highway Capacity Manual and he agreed with the conclusions reached by Mr. McLean with the use of that Manual. He identified Exhibit 279, the 1987 King Edward Avenue Traffic Study, and he agreed that at page 15 the Study identified the benefits to be derived with the Vanier

Parkway Extension. He was familiar with Regional policy with respect to the Environmental Assessment Process, and agreed that the Official Plan designation should be in place before an Environmental Assessment was done.

The Ottawa Board of Education presented a written submission (Exhibit 248) to register its opposition to the Queensway Upgrade. No representative from the Board of Education gave oral evidence, and the Board's submission was not subjected to public review. This Board has studied that submission and notes that it relates to two separate properties, a 2.53 hectare site at 300 Rochester Street to the north of the Queensway, and another site on Bronson Avenue immediately to the south of the Queensway. With respect to the Rochester site, the Board of Education submits that the proposed westbound collector ramps will adversely affect the access/egress for the site. With respect to the Bronson Avenue site, the Board of Education believes the property will be expropriated for new roadway construction. That action would require relocation of the operations now carried out at that location. The Board of Education believes such relocation would adversely impact its operations because the present site is centrally located to serve the City's education system. The submission states that there are alternative transportation strategies available to the Region, but it does not detail those alternatives.

Angie Todesco and Jeffrey Rice jointly presented a submission, Exhibit 249, on behalf of the King Edward Avenue Task Force which is said to represent hundreds of residents living within one block of King Edward Avenue, a major arterial street through Lowertown. Their oral submission was accompanied by a 13 minute video cassette. Their presentation was well researched and prepared and is worthy of careful consideration.

The driving force behind their submission was the publicly stated position of the New Edinburgh Community Alliance that construction of the Vanier Parkway Extension is not necessary because, among other reasons, the existing King Edward/St. Patrick roadways already adequately carry the traffic flow which would be destined for the Vanier Parkway Extension and, further, that the King Edward/St. Patrick route could still be improved to accommodate increased traffic levels. The King Edward Avenue Task Force strongly opposes the position taken by the New Edinburgh Community Alliance and supports the Official Plan designation for the Vanier Parkway Extension.

As stated in Exhibit 249 by way of historical perspective, before the mid-1960's, King Edward Avenue was a grand avenue with a central boulevard of stately trees, pathways and public amenities. On October 15, 1965, the MacDonald-Cartier Bridge was formally opened to traffic. This effectively spelled the beginning of the end for King Edward Avenue and the historic community of Lowertown, which is generally that area north of Rideau Street and extending from the Rideau Canal to the Rideau River. In 1965, the Ottawa-Hull Area Transportation Study proposed an extensive freeway system as the central focus of Ottawa's transportation system, with very little thought given to alternatives such as public transit and bicycles. New inter-provincial bridges were proposed. The proposed freeway system never came to fruition. Subsequently, the Vanier Parkway was proposed, to be constructed along the route of an abandoned railway. Eventually, the Vanier Parkway was designated as such in the 1974 Regional Official Plan, and major portions of the Parkway were constructed from the Queensway north to Beechwood Avenue.

The King Edward Avenue Task Force said that the former railway lands along the east side of the Rideau River were never designated

as parkland but have been so used by the New Edinburgh Community. Use of King Edward Avenue as a result of opening the MacDonald-Cartier Bridge was intended to be an interim use until the Vanier Parkway was completed. However, that interim use has expanded and continued since 1965. The video cassette shows the nature of present day traffic in the King Edward Avenue area, and the residents of the area are subjected to severe impact from noise and vibration, as well as unsafe traffic conditions. As described in Exhibit 249, it is their contention that the King Edward/St. Patrick roadway system is inadequate for present traffic volumes, and will not be adequate for future traffic volumes without major reconstruction, including the removal of many buildings.

It is, therefore, their submission that the Vanier Parkway Extension remain designated in the Official Plan and be constructed as now proposed. They also support the proposal for an additional bridge across the Ottawa River. In making those submissions they fully understand that King Edward Avenue cannot be restored to its pre-1965 character, but the area could be substantially improved over its present state.

On behalf of the Canterbury Community Association the Board heard a submission by Ted Manning and Wayne Bond in support of the Alta Vista Parkway. The Association represents 1,500 families in southwest Ottawa.

It is their submission that in recent years there has been massive growth in population in this area, but there is no suitable north-south traffic artery and all existing north-south routes are heavily congested. Traffic safety is becoming an increasing problem, although public transit use is high. Many residents of the southeast area work in downtown Ottawa and Hull, and the growth projections of

the Official Plan clearly indicate the need for a major north-south artery. The Canterbury Community Association, as well as other similar organizations in the area, has participated in the Official Plan Review process to make its concerns known to Regional Council. It is the Association's view that the Alta Vista Parkway should be constructed as proposed in the 1988 Regional Plan, and that the Parkway must cross the Rideau River and connect to the downtown area. The Association supports the now approved stated Transportation Policies of the 1988 Regional Plan and the designated route for the Alta Vista Parkway. The Association believes that if the Parkway is not constructed at an early date it will be necessary to severely restrict new development in the southeast area.

Jane Berlin is president of the Alta Vista Community Association, an incorporated organization of residents in the area of Walkley, Huron, Bank and Riverside, some distance to the west of the proposed Alta Vista Parkway. Exhibit 252 is a copy of the submission by Ms Berlin on behalf of the Association. The Association's concern is that Schedule C1 of the Official Plan appears to designate a preferred location for the Alta Vista Parkway but there has not been any study in the nature of an environmental assessment. The Association believes that that designation may prejudice the environmental assessment process and therefore that designation should be removed from the Official Plan and replaced by the identification of a Transportation Corridor.

Exhibit 253 is a copy of a submission to the Board by Michael Noonan on behalf of the Ottawa-Carleton Home Builders' Association which describes itself as "the voice of the residential construction industry within Ottawa-Carleton". His submission is an expression of strong support for the proposed transportation network as designated on Schedule C1 of the 1988 Regional Plan. He said that

such a network is needed to bring a balanced approach to the development of residential communities.

Malcolm Burrill gave evidence as a representative of the Sheffield Glen Community Association, an organization of 200 families who reside in the Walkley/Russell area to the east of the proposed Alta Vista Parkway. Exhibit 254 is a video tape which he used to show present day traffic conditions at various major intersections in the area. The Association supports the Official Plan proposal for the Alta Vista Parkway, and agrees with the earlier submissions by the Canterbury Community Association.

Sheila Perry gave evidence on behalf of the Overbrook Community Association, that area lying east of the Rideau River and north of the Queensway, as shown on Exhibit 256. The existing Vanier Parkway passes through the westerly part of the community and the Association is opposed to any further extension of Vanier Parkway. Overbrook is a mixed residential community and she said the existing Vanier Parkway carries approximately 30,000 vehicles per day which creates excessive noise impact and safety hazards. The use of the Parkway by trucks violates the original intent of the 1974 agreement (Exhibit 221) and there appears to be no effort by appropriate authorities to restrict truck traffic. Therefore, the Association is now opposed to the proposed extension of the Vanier Parkway. She admitted that the present Parkway was in place when she moved to the community 5 years ago and she is not sure if she wants to leave the area.

Ward Carson lives at 190 Renouf Avenue in Overbrook Community. He said that the existing Vanier Parkway generates noise levels in excess of 70 decibels. Residents have rejected the proposal for vertical noise barriers as being offensive to the residential community. He said the problem is created by trucks and there has

been no serious attempt to restrict use of the Parkway by trucks as originally proposed.

Roger Vachon resides in the City of Vanier and he is opposed to the proposed Vanier Parkway Extension. He said the present Parkway is now a dangerous Regional Road and truck traffic inflicts adverse impact on residential properties by excessive noise and vibration.

Darrell Richards resides at 201 Somerset Street East and operates the "Bike Stop" at 1223 Bank Street. His submission is contained in Exhibit 258. He said the transportation proposals now before the Board are wrong for the community because they will divide the community, disrupt cycling and walking, and increase pollution. He said the proposed expressways should be rejected and the Regional Municipality should examine alternative methods to reduce automobile traffic.

Elizabeth MacKenzie is President of the Centretown Citizens' Community Association, an organization of 400 residents in the area bounded by the Queensway, Bronson Avenue, Gloucester/Lisgar Streets, and the Rideau Canal. She said the proposed Queensway Upgrade will have a profound and negative effect on the Community. She said the proposed Queensway Upgrade will bring more noise and pollution into the Community and, as the Queensway becomes more congested, more traffic will spill over into the Community. As an alternative, she suggested that the proposed Inner Ring Road be constructed to take the through traffic off the Queensway and leave the Queensway for local use in and out of the downtown area. The proposed Queensway Upgrade will be contrary to approved Amendment 64 to the City's Official Plan. It is the Association's aim to strengthen the residential nature of the Community. She said the whole transportation system requires more planning, especially with regard

to the impact of the future Inner Ring Road.

Archie Campbell is president of the Dalhousie Community Association. He simply stated that that Association is opposed to the Queensway Upgrade and agrees with the submission made on behalf of the Ottawa East Community Association.

In argument, counsel for the Regional Municipality of Ottawa-Carleton referred the Board to the evidence of the Planning Commissioner, Nicholas Tunnacliffe. The 1974 Regional Official Plan, as approved, contained clearly stated policies for the establishment of a Regional Transportation System. Since the approval of the 1974 Plan the Regional Municipality has relied on those policies and two-thirds of the then proposed roads have been constructed. The matters now before this Board were part of that original policy and are now included in the 1988 Regional Plan. Mr. Tunnacliffe's evidence clearly shows development of transportation policies to implement the Regional Development Strategy which is Part 2 of the 1988 Regional Plan. With the exception of a number of specific referrals to this Board which are dealt with elsewhere in this proceeding, the Minister has approved Part 2 of the 1988 Plan. In particular, the Transportation Strategy, Section 2.1.7, has been approved in total. Part 11 of the 1988 Regional Plan, "Transportation", has been approved in total by the Minister. It is therefore not open to this Board to go behind those Ministerial approvals, and it is clear that the transportation system is needed. Section 1.7 "Implementation" has also been fully approved by the Minister and clearly sets out the Region's commitment to the requirements of the Environmental Assessment Act. Therefore, the transportation issues before this Board, while large in magnitude, are now confined to the designations on Schedules C1 and C2.

Counsel argued that the Region has presented a compelling case to support those designations, whereas there have been no proper studies done by any of the parties who now object to those designations. The objective to maintain level of service "D" with a high modal split will be achieved by the proposed Regional Transportation System, and there is no evidence to suggest otherwise.

Dr. Shallal's evidence, supported by the team of consultants, is unchallenged. That evidence is based on accepted transportation planning methodology which, in turn, is based on sound assumptions to establish future traffic demand and relate that demand to the need to increase available traffic capacity. There was no evidence to show that the extensive computer modelling procedures were not proper. The projected screenline crossings support the designations on Schedules C1 and C2. Counsel argued that good planning recognizes the expectation of growth, identifies the problems, and provides solutions which are defined as policies in the Official Plan. That is the process which the Region followed and the evidence overwhelmingly supports the conclusions reached. The Regional Municipality has a statutory obligation to so plan its transportation system, and that is reflected in the Minister's full approval of Section 11 of the Official Plan.

Specifically, counsel argued that the proposed Queensway Upgrade is fully supported by the Region's evidence, and there is no evidence to suggest otherwise. The Alta Vista Parkway is also shown to be an integral part of the system, and is needed to implement the Regional Development Strategy. Mr. Barton did not do any study or analysis to show that those two items are not needed. Counsel argued that the concerns which were stated with respect to such matters as the Pretoria Bridge and Ballantyne Park are not supported by evidence and will not come to pass. It is his submission that Referrals 31 and

33 should be dismissed.

The Vanier Parkway was included in the final approval of the 1974 Regional Plan and a very substantial portion of the Parkway has been constructed. The Region's evidence supports the completion of the Parkway as a vital part of the Regional Transportation System. There is no proposal at this time for another bridge across the Ottawa River. Counsel argued that the evidence of the planner Ironside is to be preferred over that of the planner Bacon who suggested opening up the Official Plan policies which have already been approved by the Minister. Mr. Gan did not suggest a new bridge at Kettle Island and he did not dispute the assumptions used in the model. The proposed extension to the Vanier Parkway is not through the New Edinburgh Community, but is along the westerly edge of the Community. The evidence of Mr. McLean is the most credible evidence with respect to the Vanier Parkway, and was not refuted, including his view that the MacDonald-Cartier Bridge envisioned the future completion of the Vanier Parkway. Counsel argued that Mr. Gan had not had sufficient time to study the available data, but he had no difficulty with the Region's proposal to utilize the full capacity of the MacDonald-Cartier Bridge. When Mr. Gan carried out his 1987 study of King Edward Avenue he suggested that King Edward Avenue should be narrowed, but now he suggests that it should be widened. Therefore, his evidence is not credible.

With respect to Mr. Henry's evidence, counsel said the bicycle path would remain along the Rideau River, there is already adequate parkland, there has been no adverse effect on real estate values in the area, and the Region is committed to the process of the Environmental Assessment Act. He, therefore, said that Mr. Henry's evidence is not sufficient to support removal of the designation from the Official Plan.

He argued that the submission by the King Edward Avenue Task Force was worthy of support. As well, the Agreement in Exhibit 221 is a clear commitment to construction of the Vanier Parkway.

It is, therefore, his submission that Referrals 30 and 32 should be dismissed. He said the Official Plan should indicate the long term Regional proposals.

Counsel for the Township of Cumberland adopted the argument of Regional counsel. He said that transit was a priority item in the 1974 Regional Plan and remains so in the 1988 Regional Plan, and he directed the Board to the evidence which showed the rapid growth in the East Urban Community which is dependent on the Regional Transportation System. He said the Region's evidence was compelling and unshaken. He said the referrors represent only a small percentage of the residents in their areas, and some of their evidence was irrelevant and inadequate. On the other hand, none of the area municipalities presented any evidence to oppose the transportation designations of the 1988 Regional Plan, and the Region's position was supported by a number of Community Associations. Therefore, he argued that the referrals should be dismissed.

Counsel for Urbandale Realty Corporation, owner of 3,000 acres of land in Gloucester, said the Regional Transportation System is critical to the future development of his clients' lands, and he supports the designations of the Queensway Upgrade and Alta Vista Parkway and the Vanier Parkway. He said the evidence clearly supports those designations and the private sector needs reliability in the Official Plan.

Counsel for a group of land owners in Cumberland said that her

planning evidence was uncontradicted to show the need for the transportation designations as in the 1988 Regional Plan. She said the approved policies of the Regional Development Strategy set the parameters for future development and her clients need assurance in the Official Plan to support such development. She said the evidence of the Region's consultants shows overwhelming support for the designations on Schedules C1 and C2. Therefore, the corridors should be protected and the referrals should be dismissed.

Counsel for the New Edinburgh Community Alliance divided his argument into two parts, firstly, a general response to counsel for the Regional Municipality, and secondly, a submission as to the merits of the case on behalf of the Alliance.

He said that one would be misguided to think that only a small percentage of citizens was opposed to the Official Plan, because more than 1,000 citizens had contributed to the costs of presenting this case and citizen input to the Official Plan is significant. There is a tendency, he argued, to denigrate community groups because they do not have the resources of the Regional Municipality to provide studies and expert witnesses, and that attitude should be rejected. He acknowledged that the Region's consultants were engaged to defend the Official Plan, but he argued that Mr. Gan's evidence was also credible because it reflected careful study and appraisal of all available data and supported his professional opinion. He said it was inappropriate for the Region to attempt to set two or more Community groups against each other, e.g. New Edinburgh and King Edward. It was his submission that the proposed roadway should have been subjected to the environmental assessment process before being designated in the Official Plan, but environmental concerns have not yet been considered. He said there is a significant difference in changing level of service "D" to "E", but the Region used that tactic

to bump up the capacity of the MacDonald-Cartier Bridge, and that is not consistent with the Region's stated policy. He said there was nothing in the 1986 King Edward Study to undermine Mr. Gan's evidence at this hearing, and King Edward Avenue is still a viable alternative to the proposed Vanier Parkway Extension.

Specifically, he argued that the inclusion of the Vanier Parkway Extension in the Official Plan cannot be justified and, therefore, it should be deleted from the Plan. The Vanier Parkway was conceived historically as a link between the Queensway and the MacDonald-Cartier Bridge, but that concept has been overrun by events and is no longer appropriate. He said it would be shortsighted planning not to consider the impact of a new Ottawa River crossing, e.g. Kettle Island Bridge. The Agreement in Exhibit 221 specifically refers to the need for a future Kettle Island Bridge to carry interprovincial truck traffic, and that would provide adequate relief for King Edward Avenue without the need for the Vanier Parkway Extension. As well, the Agreement purports to prohibit truck traffic on the Vanier Parkway and, therefore, the present proposal lacks credibility. When the MacDonald-Cartier Bridge was constructed, the Vanier Parkway was not constructed but King Edward Avenue and St. Patrick Street were reconstructed at great expense to provide the needed link to the Bridge. It is his submission that that link must now remain in place and it is not a residential street. His evidence shows that the Bridge is now at or near its full capacity and no appreciable relief will come from building the Vanier Parkway Extension. Such relief will only come with a new bridge. There is, therefore, no justification for the Vanier Parkway Extension. In the absence of an environmental assessment, he said the Board should have regard to the impact of the proposed Parkway on the existing park along the Rideau River.

Counsel for the Ottawa East Community Association directed his argument to two main areas of concern:

1) traffic demand and capacity crossing the Rideau Canal Central Screenline, and

2) environmental and social impact.

The significance of the Rideau Canal Central screenline can readily be seen by examination of Exhibit 202 and he reviewed the evidence of his transportation engineer with respect to the Queensway Upgrade. It is his submission that the Regional Municipality has not demonstrated that the inclusion of the referred transportation links is based on sound planning principles or in keeping with the stated goals of the Official Plan as approved by the Minister. He argued that proper alternatives should only be presented after an environmental assessment has determined the full extent of expected impact. He said there will be extensive adverse impact on the Community, as stated in evidence. He also said that the Regional Municipality has not proposed a balanced transportation system wherein the supply is equal to or greater than the projected demand. It is, therefore, his argument that Schedules C1 and C2 be amended by the removal of designations for (a) the Queensway Upgrade, (b) the extension of Alta Vista Parkway from Riverside Drive to the Queensway (including the new River crossing), and (c) the extension of Industrial Avenue from Riverside Drive to Alta Vista Parkway.

In reply, counsel for the Regional Municipality said the Region is already committed to following the established process of environmental assessment before any work is commenced. He said the Region's uncontradicted evidence shows the need for the Vanier Parkway Extension even if a new bridge is constructed. The matter

of a new bridge across the Ottawa River is beyond the jurisdiction of this Board. It is his submission that the designated transportation links are needed as part of the overall strategy of the Official Plan.

The Board has carefully considered all of the evidence and the argument. The nature of the evidence is such that the Board has reviewed some of it a number of times. The Regional Municipality has presented a formidable case to support the Transportation policies of its Official Plan. The Region's evidence was carefully researched over a lengthy period of time and was well presented by highly qualified expert witnesses. The Board is well aware that community organizations, such as the two referrors in this proceeding, do not have the financial resources to respond as they might wish to such evidence. To their credit, both the Ottawa East Community Association and the New Edinburgh Community Alliance with limited resources, retained counsel, transportation engineers and planners of a very high quality. The witnesses called certainly made an impression on the Board, but they were not able to demonstrate any significant shortcoming in the Region's evidence. However, their evidence, together with the submissions of counsel for the referrors, clearly and forcefully delineated those issues which the Region would have to address to the Board's satisfaction. This the Region was able to do.

The four referrals before the Board all relate to matters which were originally approved in the 1974 Regional Plan. The transportation system which was approved at that time formed the basis of the Region's implementation program which is now two-thirds completed.

The evidence clearly shows the significance of a "Regional" system, embracing the east urban community, the south urban community, the west urban community, and the Central Area. Those are integrated by the Regional system and also related to the Communauté Régionale de L'Outaouais.

Major portions of the 1988 Regional Plan, including all of "Section 11 - Transportation", have already been approved by the Minister of Municipal Affairs. This Board has no jurisdiction to go behind that approval and attempt to reopen those parts of the Plan so approved. Accordingly, the evidence supports those approved parts of the 1988 Regional Plan with respect to the projections of 870,000 population and 556,000 employment for 2011, with the main focus on a strong Central Area. That Plan will only work with an adequate Regional Transportation System as proposed in the Plan. As well, the Regional Municipality is committed to maintaining a high modal split (public transit) and a reasonable level of service for all traffic.

The Ontario Ministry of Transportation sees the Queensway as only adequate for Highway 417 traffic, with no assurance of any future schedule for the Inner Ring Road. Therefore, the Queensway Upgrade is needed to distribute traffic to the Central Area. Alta Vista Drive is needed for the South Urban Community, and there is no viable alternative at this time. The Industrial Road Connection, together with the Queensway Upgrade, will benefit the East Urban Community. The Vanier Parkway Extension will improve access to the MacDonald-Cartier Bridge and is clearly not "just a road to Quebec". Moreover, all of those roadways must function as part of a Regional System as described above.

The four party agreement, Exhibit 221, clearly envisages completion of the Vanier Parkway. With the exception of the Region, none of the parties to the agreement participated in the proceeding before this Board. The bicycle path along the River will be retained and there will still be substantial areas of open space.

The Board does not consider it necessary to review the evidence any further, but it should be noted that the Regional Municipality is firmly committed to the process under the Environmental Assessment Act. If, as, and when the individual road projects are proposed for construction, there will be adequate opportunity for public participation in the consideration of alternatives and impact.

In all those circumstances, therefore, the Board will not modify the 1988 Regional Plan as requested through Referrals 30, 31, 32 and 33. The designations on Schedules C1 and C2, so referred, will be approved.

8. LEITRIM URBAN AREA

The issue in this part of the hearing is firstly whether the Leitrim Urban Area should be expanded to include all or parts of the holdings of two owners, Remer Holdings Ltd. and Tanglewood Ottawa Ltd. If Schedule A should be modified to recognize such an expansion, the second issue is whether the maximum number of dwelling units and/or jobs in Leitrim should be increased.

Some evidence involved both land holdings; other evidence was specifically directed to either the Remer or Tanglewood holdings.

The Region, Remer and Tanglewood were represented by counsel who led evidence. As well, counsel for the City of Gloucester, Tartan Development Corporation and other companies owning land in the Leitrim Urban Area, Armbro Materials and Construction Ltd., Mrs. Makroohy Sinha, and representatives of the Gloucester Wetlands Action Committee all took part in the hearing.

Leitrim is immediately south of the green belt and the City of Ottawa, and slightly south east of the Ottawa International Airport. A road system involving Highway 31, Bank Street, Conroy Road and Walkley Road provide access from this area to the City of Ottawa and beyond.

The 1974 Regional Official Plan did not contain an Urban Area in the Leitrim area. Leitrim was designated as a village. The Leitrim Urban Area is therefore a new feature of the 1988 Regional Plan and is, in large part, located between Albion Road and Highway 31 with Leitrim Road running along its northern boundary. However, two small areas containing some development lie just below Leitrim Road and extend west of Albion Road and east of Highway 31. The area west of Albion Road will be discussed, as needed, in Part 9

as it contains the Gloucester Equestrian Centre lands subject of Referral 27 and Part 9 of the decision.

Most of the proposed Leitrim Urban Area of 500 hectares is presently undeveloped; a maximum of 3,200 dwelling units and 4,000 jobs is intended for Leitrim by the 1988 Regional Plan.

The northern part of the Leitrim Urban Area is designated as an Extensive Employment Area while the area to the south is designated as General Urban Area which would accommodate residential and related uses. No other designations are shown on Schedule B. However, Schedule G, Environmental Constraints, of the Plan identifies some portion of the General Urban Area as well as land to the south of the Area and west of Albion Road as an Organic Soils Area: Part of the Leitrim Urban Area is subject to aircraft noise zones.

In 1989, the City of Gloucester adopted Amendment No. 10 to its Official Plan. Amendment No. 10, implementing policies contained in the 1988 Regional Plan regarding Leitrim, and establishing the Leitrim Planning District and Urban Policy Area, was approved by the Region on June 26, 1990 and is not before the Board. Schedule 'D' to Amendment No. 10 shows Residential and Industrial Areas in the Urban Policy Area. As well, an "Unstable Land" designation is shown conceptually on part of the Urban Policy Area lands which are designated Residential.

Since they are not included in Amendment No. 10, the Remer lands are designated Rural B and Unstable Lands, while the Tanglewood lands are designated Rural B and Mineral Resource Area on Schedule 'D' of the City of Gloucester Official Plan.

Referral 15, requested by Remer, concerns about 106 hectares of land immediately south of the Urban Area between Albion Road and Highway 31. These lands are proposed to be designated as General Rural Area in the 1988 Regional Plan with part also falling within the area designated Organic Soils on Schedule G. The 1974 Regional Plan designated part of the Remer lands as Environmental Constraints Area and the rest as Marginal Resource Area.

Remer originally asked that all its land be added to the Urban Area through modification of Schedule A and that Section 2.2.1. (f) (urban area in Leitrim) (Referral 3) and Section 2.2.1.5 (maximum number of dwelling units and jobs in Leitrim) (Referral 6) be modified to recognize that inclusion. At the hearing, Remer's counsel requested that only part of his client's lands be designated as Urban Area. The remaining lands discussed in evidence and submissions as being made up of core and marginal wetlands are now part of the subject of another referral request made by Remer pursuant to Section 22 of the Planning Act, 1983. The Board understands that until very recently, although the existence of unstable lands, organic soils and like related environmental constraints were generally known to exist in the vicinity, little was known of certain "wetland" features in this area.

Referral 17 involves a 40 hectare linear land holding owned by Tanglewood Ottawa Ltd. lying between Highway 31 and Hawthorne Road further to the east. This land is south of and separated from the designated urban area by other lands designated as General Rural Area in the 1988 Regional Plan.

The 1974 Regional Plan designates part of the Tanglewood lands as Marginal Resource Area and the remainder as Mineral Resource Area. Two parts of the Tanglewood lands, one fronting on Highway 31 and the

other on Hawthorne Road are proposed to be designated General Rural Area on Schedule A in the 1988 Regional Plan while the middle portion is proposed to be designated as Mineral Resource Area. The owner is requesting designation of the Tanglewood land as Urban Area on Schedule A. Referrals of the same policies noted above were also requested by this owner.

Counsel for the Region called Mary Tasi-Wood, a planning consultant, as a witness. Her evidence was directed to the referral requests of both Remer and Tanglewood. A number of witnesses were then called by the Ministry of Natural Resources, Remer and Tanglewood. In order to provide a structure for this part of the decision, the Board will first deal with all of Ms Tasi-Wood's evidence and then with relevant evidence as to first the Remer and then the Tanglewood referrals.

Ms Tasi-Wood referred to, and filed, a considerable body of documents setting out the evolution of proposed policies for the Leitrim Urban Area. In her opinion, the Leitrim Urban Area boundary now shown on Schedule A of the 1988 Regional Plan should not be altered. Her reasons for this conclusion as set out in her witness statement filed as Exhibit 366 are summarized as follows. There is adequate infrastructure (sewer, water and roads) to serve 3,200 dwelling units and 4,000 jobs in Leitrim. Five hundred hectares of land have been designated for urban development to accommodate this amount of development. A larger Leitrim would strain transportation problems in the Region further to the north. It would be premature to allocate any excess capacity which may exist in the sewer system through the designation of any additional lands in Leitrim until a full study addressing Regional servicing issues in the area has been carried out. Furthermore, the 1988 Regional Plan now designates sufficient land for urban development in the Region to the year 2011.

The Tanglewood lands are adjacent to an operating quarry to the south and are one half a kilometre distant from the existing urban boundary. The greater part of the Urban Area lies to the west of Highway 31; leapfrogging of development to south and east would occur if the Tanglewood lands were now designated as Urban Area.

Ms Tasi-Wood's evidence as to infrastructure constraints identified only road capacity and sanitary sewer issues. It was generally accepted at the hearing that water supply and control of storm water were not major issues. The Board is also aware of Section 2.2.1.9 of the Plan to the effect that Regional Council will not incur costs for development of infrastructure for development in Leitrim.

On cross-examination, Ms Tasi-Wood explained that if land in the General Urban Area subject to now known development constraints due to aircraft noise zones and soil conditions is taken into account, approximately 225 net acres are still available for residential development between Albion Road and Highway 31. An acceptable density for single family dwellings in her view would be 7.6 units per net acre, while townhouse and other multiple family development could occur at 14.4 units per net acre and above. She saw a range of 12 to 14 units per net acre over all as appropriate for mixed residential development in this area.

On a basis of 12 units per net acre, these 225 acres can, in her opinion, produce 2,700 dwelling units and another 500 units can be accommodated on the lands designated General Urban Area on the east side of Highway 31. Therefore, the land area now designated General Urban Area in Leitrim has the capacity to accommodate the maximum of 3,200 dwelling units and 4,000 jobs permitted by the 1988 Plan. It is not necessary to designate additional lands as a compensatory

measure for those lands in the Urban Area which will be subject to development constraints.

A. Referrals 3, 6 and 15: Remer Holdings

1. The Wetlands Issue Only as to delineation of the area of Developable Remer lands

As alluded to, the Board became aware early in this part of the hearing that a tract of land identified as possessing distinct wetland characteristics extends on both sides of Albion Road. The nature and probable extent of this wetland on the Remer holdings was the subject of evidence.

Presently, although Schedule G identifies environmental constraints in the Leitrim vicinity, Schedule A of the 1988 Regional Plan does not recognize the existence of this feature through any designation.

As noted earlier, Schedule D of Amendment No. 10 to the Gloucester Official Plan provides a conceptual designation of some land in the south west corner of the Leitrim Urban Policy Area as Unstable Lands. The text of Amendment No. 10 provides for the application of Environmental Constraints Policies 9, 10, 11 and 12 of the 1988 Regional Plan.

In any event, no change of designation of the General Urban Lands presently included in the Leitrim Urban Area on Schedule B of the 1988 Regional Plan is before the Board at this hearing. The Minister of Municipal Affairs has, pursuant to Section 22 of the Planning Act, referred to the Board an application by Remer (Board File O 900210) for amendments to the 1988 Regional Plan to designate

certain lands, including part of its own, Marginal Resources Area (Restricted). A motion by Remer regarding the consolidation of that referral with the present hearing was denied.

Determinations in this decision will be as to the inclusion of developable lands owned by Remer (and also Tanglewood) in the Urban Area. Therefore, consideration of some evidence as to the establishment of at least a conceptual boundary between wetlands and potentially physically developable lands on the Remer property becomes relevant.

Counsel for the Ministry of Natural Resources called a botanist, a biologist and a planner to deal with the Remer lands while counsel for Remer called two witnesses, an environmentalist and a hydrogeologist.

Essentially, witnesses in evidence and parties through submission of counsel generally accepted that some part of the Remer land contains a Class 1 wetland area. However, the extent of this wetland both as to its core and marginal wetlands, and the amount of buffer which should exist between core wetlands and other uses, were not agreed upon in evidence.

The principal matter to be resolved, should the Board determine to place some of the Remer lands in the Urban Area, would be the location of the boundary between the wetland area, including any buffer deemed appropriate, and the developable lands. That determination would affect the area available for development and hence, assuming that residential development is appropriate, the maximum number of dwelling units which could be accommodated. Accordingly, and from this perspective only, the Board will consider the evidence of two witnesses: Vivian Brownell, a consulting

biologist who has carried out an evaluation of the wetland area for the Ministry of Natural Resources, and Daniel Brunton, a consulting environmentalist retained by Remer who also conducted an investigation of the area. Both of these expert witnesses impressed the Board as knowledgeable in their fields.

Ms Brownell described a number of natural features of the lands she had examined in great detail. Her findings were filed as Exhibit 371 Tab 1 which includes a map showing the location of such features as a fen, various tree stands and other growths. In her professional opinion, a Class 1 wetland containing very significant features exists on the Remer lands and beyond.

She considers that at least a 100 metre buffer zone is needed between the wetland and any development. Ms Brownell explained in cross-examination that her research as compiled in Exhibit 371, Tab 1 should be viewed as a "reconnaissance study"; a more detailed study would be necessary for site planning and a buffer of 100 metres might vary depending on more detailed examination.

Mr. Brunton views the core of the wetland area as more constrained than does Ms Brownell. However, he agreed that it is a significant wetland area and should be protected by a buffer. Mr. Brunton also suggested a 100 metre buffer zone as a rule of thumb which should be qualified in each case. This buffer zone relates to hydrogeological matters. He also provided a map which delineates his determination of the core wetlands on the Remer lands as containing 41 hectares, with an additional 12 hectares contained in a buffer area separating the wetlands from the remaining Remer lands lying to the east towards Highway 31. In his view, there is potential to develop that part of the Remer lands not occupied by wetlands or needed for a buffer area.

The Board also heard from Donald Carey a hydrologist retained by Remer. It appears from his evidence, for the purposes only of this part of this hearing, that water run-off from the developable Remer lands is capable of being directed in a manner so as not to interfere with the integrity of the wetland area in the future.

Later in the hearing the Board requested counsel for the parties to arrange for the boundary of the wetland delineated by Ms Brownell on the map part of Exhibit 371, Tab 1 to also be shown on the map provided by Mr. Brunton as Exhibit 382. This was done and a new exhibit, Exhibit 405, showing the boundaries delineated by both witnesses was prepared and filed.

2. Land Use Planning Issues - Inclusion of Potentially Developable Remer Lands in the Urban Area

The Board heard evidence from Michael J. Bacon, a consulting planner retained by Remer. Exhibit 326, a witness statement and Exhibit 387, Mr. Bacon's evidence notes, were filed.

Mr. Bacon also acknowledged that the Remer lands to the rear are not suitable for development. His evidence concentrated on the inclusion of the lands to the front in the Leitrim Urban Area. He provided additional information as to the actual land holdings of Remer using Exhibit 382 which had been prepared in his offices for this hearing. No land survey is available at this time. From Exhibit 382 it appears that only a small portion of the Remer lands actually fronts on Highway 31.

Although calculations earlier by Mr. Brunton were based on a total Remer land area of 106 hectares with 53 hectares being available for development, Mr. Bacon estimated about 60 hectares (about half of the Remer lands) could be available for development.

He felt actual land areas could be determined later. For the purposes of giving evidence at this hearing, he was satisfied to rely on the boundary between developable and non-developable lands as shown on Exhibit 382.

Mr. Bacon's evidence was directed to the following:

- suitability of the developed Remer lands for inclusion in the Leitrim Urban area,
- increasing the population cap for Leitrim,
- availability of services, including road capacity, to serve increased population resulting from inclusion of any additional land.

In his view, this part of the Remer lands, because of location and soil characteristics, are suitable for inclusion in the Leitrim Urban Area. However, the lands might also have potential for estate lot development if they remained in the General Rural Area designation. The lands are not in active agricultural use and are classed as organic, or as Class 4 and 5 with a very small area of 1 and 3 lands. This information coincides with the land classifications in the 1974 Plan.

Mr. Bacon discussed a range of possible residential development including single family dwellings on lots of various areas and configurations and low density multiple development. In contrast to Ms Tasi-Woods, who saw over all residential density in the range of 12 units per net acre in the available proposed General Urban Area lands comprising 225 acres, Mr. Bacon's evidence went to a more likely attainment of density in the range of only 7 units per acre (Exhibit 387, page 8). This, assuming 225 net acres are developable on the lands already proposed to be designated west of Highway 31,

would produce 1,547, rather than 2,700 units. Mr. Bacon saw the remaining 1,153 units then being accommodated on the Remer lands. Accordingly, development in the range of 7 units per acre overall would respect the presently proposed development cap of 3,200 units and 4,000 jobs but still permit expansion of the Urban Area to include the Remer lands.

However, Mr. Bacon also thought available capacity is present in the sanitary sewer system as it would serve the Leitrim Area to accommodate more than 3,200 dwellings and 4,000 jobs. He noted a capacity of 14.2 cfs is available to Leitrim in the Conroy Road trunk sewer. Only 11.4 cfs would be needed for the presently anticipated maximum development. The surplus of 2.8 cfs would accommodate another 4,200 to 5,600 persons in 1,400 to 1,860 dwelling units. In cross-examination, Mr. Bacon admitted it may be that the Region is reserving some of this capacity for airport land development or for emergency needs. A further suggestion contained in his witness statement filed as Exhibit 326 was to the effect that development of this land would provide an additional source of funding for infrastructure for Leitrim, costs of which are not to be borne by the Regional Council (Policy 2.2.9).

This witness also considers, on the basis of available information, that the additional traffic generated by increased population could be accommodated on existing and planned Regional roads. In support of this conclusion, a number of traffic analyses generated by the Region during other segments of the hearing were discussed by Mr. Bacon.

B. Referrals 3, 6 and 17: Tanglewood Ottawa Ltd.

The Tanglewood lands are proposed to be designated as follows: lands fronting on Highway 31 and running back a distance as shown on Schedule A of the 1988 Regional Plan would be General Rural Area, a centre portion would be Mineral Resource Area, while the remaining lands which front on Hawthorne and appear to comprise about half of the property would also be designated General Rural Area. These referrals involve issues of land use planning including the protection of mineral resources. Tanglewood requested that the parcel be designated Urban Area and the cap on development increased.

1. Appropriateness of These Lands for Urban Development

Counsel for Tanglewood called Nick Pezoulas, one of the owners of the Tanglewood lands, together with Armand Solomonescu and John Sawarna as witnesses. Mr. Solomonescu is a practising architect with considerable experience in urban design and planning. Mr. Sawarna, a consulting engineer, addressed the matter of services.

A sense of frustration marked the evidence of Mr. Pezoulas. The Tanglewood lands are undeveloped. Development was intended when the land was acquired in the 1970's. Later, designation of part of the land as a Mineral Resource Area occurred. As well, there was a long history of local plan amendment activity subsequent to acquisition.

This witness was very critical of the planning process that had gone forward. At one point, Amendment No. 10 for Leitrim contained a considerably larger land area than now is the case and included the Tanglewood lands. Mr. Pezoulas is also concerned at the lack of a

master plan for Leitrim development.

Mr. Solomonescu provided the Board with an alternative planning concept for the development of all of Leitrim, based on recognition of the potential to now develop a model self-sufficient community. Location of the Leitrim Urban Area in a rural setting with many outstanding natural features would be a distinct advantage.

His concept plan requires extension of the boundaries of the General Urban Area to include both Remer and Tanglewood lands. Development would occur in two phases. The wetlands would be an essential component of the plan and a feature of the community; a visual corridor would permit the community to take full benefit of the wetland feature. An extension of Blais Road to the west and north to exit on Albion Road could also be provided.

An integral feature of this plan is development on both, rather than on one side only, of Highway 31. A mixture of institutional, commercial and parkland is shown on the lands fronting on Highway 31, with medium density residential and then lower density residential development and more parkland to the rear. There would also be commercial and parkland development fronting on Hawthorne Road which would serve as the eastern boundary of the area. Mr. Solomonescu calculated a mix of residential densities involving 70% low density and 30% medium density development could be accommodated.

Mr. Solomonescu filed a concept site plan as Exhibit 401. This site plan shows the location of Phase 1 and Phase 2 lands. Phase 1 would contain 688 hectares, of which 271 hectares would be residential and 150 hectares parklands. Phase 2 would contain 248 hectares with 193 hectares of residential lands and 16 hectares of park area. Total area of the two phases would be 936 hectares or

2,245 acres.

Phase 1 could develop to a maximum of 3,200 units and 4,000 jobs which would be in accordance with present servicing constraints. Phase 2 would not occur for about 10 years. Its development would depend on sanitary sewer capacity being provided through a new line on Hawthorne Road accessing the Green Creek facility.

Mr. Solomonescu did not see road capacity difficulties in the second phase. On the contrary, the availability of both Albion and Hawthorne Roads, as well as Highway 31, could be utilized.

A consulting engineering firm was retained by Mr. Solomonescu to determine the feasibility of the concept plan in the context of existing and anticipated Regional services. John Sawarna, an engineer with that firm also gave evidence regarding service capacity of the development included in the concept plan. The witness statement of Mr. Sawarna was filed as Exhibit 404.

Mr. Sawarna understands the nearest trunk sanitary sewer is located to the north of Leitrim on Conroy Road and Queensdale. Capacity of the trunk sewer at that point is 14.2 cfs. It is anticipated that development proposed for the Leitrim Urban Area, 3,200 dwellings and 4,000 jobs, would consume 11.6 cfs. Development of Phase 1 as proposed by Mr. Solomonescu, would utilize this capacity. The remaining 2.6 cfs capacity in the trunk sewer could be utilized to permit the addition of a further 3,000 persons to Leitrim.

Sewage capacity for Phase 2 of the alternate planning concept could be provided by a new pipe on Hawthorne Road which would access the Green Creek Collector to the north east. No further improvements

to the water supply would be necessary to accommodate the Tanglewood lands.

2. Retention of the Mineral Resources Area Designation

Anda Rungis, a planner with the Ministry of Natural Resources, stated that in her opinion the present designations of General Rural Area and Mineral Resources Area accorded to the Tanglewood lands in the 1988 Plan are correct. Any other designation would be premature. There are mineral resources on adjacent lands to the south where a large quarry operated by United Aggregates Ltd. is located.

The Mineral Aggregate Resources Policies of the provincial government (Exhibit 376) contains clear statements as to the treatment of mineral aggregate resources in official plans; Resources are to be identified and protected from land uses which would be incompatible with possible future extraction. Ms Rungis stated that technical information would be required before the Ministry would support any application by Tanglewood to designate these lands other than Mineral Resource Area.

Ms Rungis was unable to advise as to when aggregate capability of the Tanglewood lands had last been considered by the Ministry. The issue of Ms Rungis' knowledge of a 1980 consultant's report on the Tanglewood lands was raised in cross-examination.

Counsel for Tanglewood also filed as Exhibit 378 a 1980 letter to the municipality from the Ministry which stated that (i) underlying bedrock is March Formation which is normally a high skid resistant asphalt aggregate, (ii) detailed examination by Ministry of Transport and Communication staff concluded this section

of the formation is too friable for use for that purpose, and (iii) the Ministry of Natural Resources therefore had no objection to removing the property from a Mineral Extraction designation.

Terry McManus is an aggregate resources officer with the Ministry of Natural Resources in this part of Ontario. Mr. McManus addressed the letter filed as Exhibit 378, pointing out that in 1980 stone used for this aggregate came from another source. However, aggregate is shipped to Toronto from this area. He would need an updated report on the potential of the Tanglewood land in order to give an opinion as to its capability to produce aggregate. Substantial changes in processing and marketing of aggregate in Ontario have taken place since 1980 when this opinion was given by the Ministry.

Counsel for Tanglewood called Stephen Walker, a senior geotechnical engineer with a consulting firm experienced in aggregate resources and related matters. This consulting firm prepared the 1980 report entered earlier as Exhibit 379. Mr. Walker had participated in its preparation. He filed an update to the report as Exhibit 395. Mr. Walker discussed factors that determine the economic viability of a quarry site. The earlier report had concluded that producing quality aggregate from rock types from the March Formation found in cores extracted from two bore holes on the Tanglewood lands would be uneconomical when compared to the costs of producing aggregate from other rock types also available in the Ottawa area.

In the opinion of Mr. Walker, as set out in Exhibit 395, the conclusions of the earlier report are still valid. The rock is embedded with shale; generally speaking it would be difficult to produce an aggregate from such rock formations to meet quality

requirements for concrete or asphaltic concrete products. However, laboratory tests to prove this assessment have not been done. There are also other characteristics of rock in the March formation which may contribute to a problem in producing sound aggregates.

Mr. Walker was questioned by counsel for the Ministry as to the quarry operation of United Aggregates Ltd. immediately south of the subject lands. Exhibit 397, part of a descriptive text of fairly recent date regarding limestone industries in Ontario, indicates this quarry produces from the March and Oxford Formations, supplying concrete stone for local purposes.

C. ANALYSIS and DETERMINATIONS

A major thrust of the policies of the 1988 Regional Plan, which flow from the Regional Development Strategy and other policy papers, is that there is to be a distinction between urban and rural areas. The intent to protect agricultural and mineral extractive land uses as the basis of the rural economy is clear. Natural features are to be protected. Thus, the scattering of development outside of the urban areas is not encouraged. Rather, urban development should occur in compact areas which are capable of being provided with hard and soft public services and commercial facilities and are accessible to transportation routes. However, permitted urban development should not exceed the planned capacity of service and transportation systems if other regional goals and objectives are to be attained and maintained.

The Board sees this 1988 Regional Plan as representing a carefully thought out and balanced planning exercise. Only discrete parts of the Plan have been referred to the Board; the greater portion of the Plan containing a series of interwoven goals,

objectives and strategies was approved. To alter any of the policies on which the success of the total planning strategy rests would require strong evidence that modifications should be made.

The Board is particularly aware of the import of the following extract from Section 2.2 of the 1988 Regional Plan:

> "In order that the regional objectives relating to achieving a mix of housing types, a variety of jobs and a full range of urban services are achieved, a policy below establishes minimum and maximum levels of dwelling units and jobs for the urban centres outside the greenbelt. Maximum levels are established so that no centre can exceed the level of transportation and other regional services proposed to be provided; minimum levels are established so that opportunities to achieve a mix of housing types, variety of jobs and range of urban services are provided in each centre and public investments in services and facilities are well utilized."

With these principles in mind, the Board turns to consideration of the referral requests of Remer and Tanglewood.

1. Remer Holdings

The Board has carefully weighed the evidence of the two planners, Tasi-Wood and Bacon. The following comments relate to the "developable Remer lands" which will at this point be generally assumed to be the total Remer lands, less whatever is concluded upon further investigation to be core wetlands and wetland buffer as needed. As noted earlier, the Remer wetlands are also part of the subject matter of another referral request to the Board.

The developable Remer lands have access to Highway 31 and are not now in agricultural production. From the evidence of Mr. Bacon, the Board believes the agricultural capacity of the lands is minimal. As he noted, estate lot development in the future would be a possibility. Country lots of a minimum lot area of .8 hectares are,

subject to meeting specific criteria, permitted in the General Rural Area.

The configuration of lands already included in the Leitrim Urban Area is shown on Schedule A. Other exhibits, notably air photographs show existing land uses and development patterns in the vicinity. Other than the already developed areas west of Albion Road and east of Highway 31 at the northerly extremity of the Urban Area as delineated, the bulk of the Leitrim Urban Area is contained between Albion Road and Highway 31, and is still largely vacant.

The Board, after reviewing evidence and argument, is satisfied that the developable Remer land by virtue of location vis a vis the Leitrim Urban Area and the wetland area, configuration, present land use and poor potential for agricultural and mineral extraction uses should be a part of the Leitrim Urban Area. It is a natural extension of the Leitrim Urban Area; use for more intensive residential development than estate lots, assuming that necessary services and road capacity are shown to be available, is a sensible and cost effective utilization of non-agricultural or non-potentially productive aggregate lands.

Bearing in mind the presence of a wetland area as discussed by Mr. Brunton and Ms Brownell in their evidence, the quantity of Remer's holdings available for an Urban Area designation is considerably less than 106 hectares. However, it appears to the Board that the parties are capable and have sufficient information at hand now to be able to agree on a boundary between the developable and non-developable Remer lands.

Ms Tasi-Woods and Mr. Bacon were of different views as to the most likely achievable maximum residential development in Leitrim.

In this respect the Board prefers the opinion evidence of Ms Tasi-Woods which led to the conclusion that residential density at a maximum of 12 units per net acre was achievable over a developable area of 225 net acres.

The Board considers that encouragement of residential development to a higher, rather than a lower mixed density, is desirable to ensure effective use of available urban lands. Among other concerns, a higher density would tend to facilitate the introduction of affordable housing together with more effective use of commercial facilities, hard and soft public services and transportation corridors. Accordingly, a development cap permitting the achievement of residential density in the range of 12 units per net acre should be the goal.

The Board is satisfied on the evidence of Ms Tasi-Wood that the proposed development caps of 3,200 dwelling units and 4,000 jobs can be reached within the lands now designated as Leitrim Urban Area if a residential density of 12 units per acre is attained. After reviewing policies in the 1988 Regional Plan having to do with urban and rural development and provision of housing and services, the Board, for the reasons outlined above, views it as desirable that development of this area be predicated upon achieving a higher residential density per acre rather than a lower one. Accordingly, if the developable Remer land is to be designated as Urban Area, additional development potential will have to be provided for it in Section 2.2.5 of the Plan. Referral 6 as it includes the Remer request is directed to this issue.

However, providing for achievement of an additional number of dwelling units in Leitrim must, in turn, be predicated upon a determination that adequate Regional services and road capacity are

available or would be made available in the on going planned public works and road improvement programmes to serve the additional population.

The Board is not satisfied on the evidence before it (including the opinion evidence of Mr. Sawarna as to servicing which was given in connection with the Tanglewood referrals) that services and road capacity, (exclusive of those matters subject of Section 2.2.9 to be provided at the owners' expense), are presently available or could be made available without considerable public expenditure to permit development over the now proposed cap for Leitrim of 3,200 dwellings and 4,000 jobs.

Further studies to better address these issues are necessary before development on the Remer lands is permitted. Upon the provision of studies which satisfactorily address these concerns, development of the Remer lands may proceed, subject of course to satisfaction of other requirements of the Region, the local municipality and other authorities.

Accordingly, the Board will modify Schedule A of the 1988 Regional Plan to designate the developable Remer lands as Urban Area - Stage II (Leitrim) and will also modify Schedule B of the Plan (before the Board as to the referred lands pursuant to Referral 29) to designate the developable Remer lands as General Urban Area - Stage II.

Both Schedules A and B will be further modified to show explanatory notes to the effect that the lands designated Urban Area - Stage II and General Urban Area - Stage II respectively are not available for urban development until studies to the satisfaction of Regional Council have been completed. Those studies will deal with

services and road capacity. The attention of those examining Schedules A and B is to be specifically drawn to policies in Sections 2.2.1(f) and 2.2.5 as modified, regarding Leitrim and Section 2.2.14 (a further modification).

The boundary and area of the developable Remer lands are to be determined by agreement between Remer, the Ministry of Natural Resources, the City of Gloucester and the Region, and the Board so advised. Should the parties not be able to agree upon the demarcation line between the developable lands and the other lands to the rear, the Board will make the determination. As so modified, Schedule A is approved.

The Board will also modify Sections 2.2.1.(f) and 2.2.5. to provide that the Leitrim Urban Area Stage I is approximately 500 hectares in area, the Leitrim Urban Area Stage II is the area determined above, the development cap for Leitrim Stage 1 is 3,200 dwelling units and 4,000 jobs and the development cap for Leitrim Stage 2 is a number of dwelling units to be determined on the basis of 12 dwelling units per net acre times the developable land area of the Remer lands. The maximum number of jobs for Leitrim will be maintained at 4,000. The Board expects to receive the necessary land area and dwelling unit computations from the Region subsequent to agreement between the parties as to the boundary between developable and other Remer lands.

The text of Section 2.2 Policies will be further modified to provide for the release of the Urban Area Stage II (Leitrim) lands for development upon completion of studies showing availability of services and land capacity to the satisfaction of Regional Council.

This further modification will be by the inclusion of Section 2.2.14 on page 2-9 as follows:

> "Schedules A and B, together with Policies 2.2.1.(f) and 2.2.5, above now provide for designation of Stage I and Stage II Urban Areas in Leitrim with maximum development potential as to dwelling units and jobs provided for each Stage. No development shall occur on the lands designated as Urban Area - Stage II (Leitrim) on Schedule A and General Urban Area - Stage II on Schedule B until such time as studies are submitted, to the satisfaction of the Planning Department and Regional Council, demonstrating that services and road capacity are available for the population to be accommodated on the Stage II (Leitrim) lands."

As so modified, the policies of the 1988 Regional Plan before the Board pursuant to Referrals 3, 6 and 15 (the Remer referral requests) are approved.

The Board defers determination of Referral 15 as to the lands to the rear as they are now the subject of another referral pursuant to Section 22 of the Planning Act. Should the hearing of the referral subject of Board File O 900210 not proceed for any reason, the Board will resume consideration of the lands to the rear under Referral 15.

2. Tanglewood Ottawa Ltd.

Witnesses called by the parties involved with these referral requests dealt with the issues of land use designations and availability of services. The Board will first consider the evidence concerning appropriate land use designations per se.

Leitrim, An Alternative Planning Concept presented by Mr. Solomonescu is an imaginative and intriguing approach to urban development in a "green field" area (the Leitrim Urban Area and vicinity) which also, from the descriptive evidence, includes some

lands of natural significance. The document is a comprehensive master plan at a conceptual level for the development of some 2,245 hectares (including Tanglewood) in two phases with a full range of institutional, residential, commercial and industrial uses. Lands between Tanglewood and the proposed Urban Area further to the north as well as to the Remer lands to the west would be included.

Phasing would overcome the issue of availability of adequate sanitary trunk sewer capacity since the present development proposed in the 1988 Regional Plan for Leitrim (3,200 units and 4,000 jobs) would be adhered to in the first phase. It was also suggested by Mr. Sawarna that a small remaining capacity in the trunk sewer could be utilized to increase the population by about 3,000 persons (1,000 units). The second phase would occur with additional capacity in a new trunk sewer on Hawthorne Road.

It was also indicated that it would be possible to phase in the Tanglewood lands if some development were permitted. Counsel suggested that designation of the Tanglewood lands fronting on Highway 31 as Urban Area with the rest of the parcel designated as Rural would be acceptable.

The Solomonescu two phase concept includes considerably more land, particularly for residential uses than is now contained in the proposed Urban Area in the 1988 Plan. The Board has given some thought to the utilization of land in this manner and also notes Section 2.2.1.9 of the 1988 Plan (cost of services). Such costs, if defrayed privately, as well as other development charges, are usually, in part at least, reflected in the final purchase price of dwellings or other development. In this same vein, economical use of urban land for the production of "affordable housing" is also a concern.

Rough analysis of potential unit yield in Phase 1 of the concept if the maximum of 3,200 dwelling units is not exceeded, indicates that if a 70%/30% low and medium density split is maintained, about 2,240 dwelling units would be low density and 960 medium density. Phase 1 contains 271 residential hectares, about 25% of which would likely be required for streets, etc. Accordingly, if a net residential area of 203 hectares (488 net acres) is assumed, a development density of 6.5 units per net acre could be achieved. If an additional 1,000 units are included on the assumption that additional capacity exists in the Conroy Road trunk sewer, 4,200 units, or density at 8.6 units per acre overall, could result. Both densities are considerably lower than the range of 12 units per net acre suggested as appropriate by Ms Tasi-Wood. (The Board did not carry this analysis into the Phase 2 part of the concept.)

However, if a range of 12 units per acre were achieved on the suggested Phase 1 lands, 5,854, rather than 3,200 or 4,200, units could be developed. This would be a more effective use of urban land as to both consumption of the land per se and utilization of services; however, the issue of available adequate public services and road capacity again arises. The Board heard no persuasive evidence that either service or road capacity exists at this time to provide for much, if any, development above the proposed cap of 3,200 dwelling units. Bearing this in mind, expansion of the physical boundaries of Leitrim as recommended in this concept plan is premature.

Furthermore, considerable portions of the land on the east side of Highway 31 shown on Exhibit 401 are not before the Board by way of referral. Therefore any determination involving these lands, even as to their inclusion in a study with the Remer and Tanglewood lands as to comprehensive future development and availability of services

and road capacity, is beyond the jurisdiction of the Board at this hearing.

As noted earlier the Tanglewood land is a linear parcel of land removed to some extent from the proposed Urban Area. Even assuming that there is some additional capacity in the Conroy trunk sewer to permit some additional development on the Tanglewood lands fronting on Highway 31 and even taking the Stage II extension of the Remer lands into account as advancing the boundary of urban development towards the Tanglewood lands, the Tanglewood lands fronting on Highway 31 are at this time too remote from Urban Area lands to the north on the same side of Highway 31 to justify their inclusion in the Leitrim Urban Area. The lands further east fronting on Hawthorne are even further removed from the Urban Area. It may well be as suggested by some witnesses that balanced development on both sides of Highway 31 is a more cost effective arrangement as to services than to contain development as presently proposed on Schedule A. However, to permit urban development to "leapfrog" four lots on the east side of Highway 31 to continue on the Tanglewood land constitutes, without more justification than was brought forward at the hearing, a poor alternative. Such an arrangement of development contrasts unfavourably with the present configuration of the Leitrim Urban Area or the comprehensive and unified plan brought forward by Mr. Solomonescu for a larger Leitrim Urban Area.

Another issue is whether part of the Tanglewood lands now designated as Mineral Resource Area should be redesignated. In this regard, present policies of the Ministry and Region regarding protection or release of aggregate deposits, together with the professional opinion of expert witnesses as to presence of minerals on this land and feasibility of extraction, are of concern.

If at some time in the future, Leitrim's urban boundaries should be expanded to include all or part of the Tanglewood lands, the presence of a quarry on the Armbro lands to the south would not necessarily preclude development residentially or otherwise. Zoning by-law requirements, together with regulations of the Ministry of Natural Resources and the Ministry of the Environment are available to ensure that the potential for buffering and other protection as necessary exists or that development does not proceed. In this regard the Board notes the presence of policies in Section 5.2.7 of the 1988 Regional Plan.

The main issue is protection of any significant mineral resource deposits on the Tanglewood lands. If the Tanglewood lands proposed to be designated Mineral Resource Area contain aggregate likely as to quantity and quality to be marketable, then the proposed Mineral Resource designation should be approved.

The Mineral Aggregate Resources Policy provides that mineral aggregate resources should be protected because of their importance to Ontario's economy. There is a continuing local, regional and provincial need for mineral aggregates. Official plans are to identify such resources and protect them from land uses incompatible with future extraction as far as is reasonably possible having regard to other land use planning objectives.

The 1988 Regional Plan designates areas of land throughout the Region as Mineral Resource Areas and provides policies as to their protection. Further, the Plan states at page 5-4 (Section 5.2.3):

> "Three factors, economic, environmental and the quality of material affect the ready availability of suitable material and hence which areas should be designated "Mineral Resource"."

Mr. Walker was of the view that production from the rock types on the Tanglewood lands is uneconomical due to a number of factors. However, testing of core samples to ensure some of these factors pertain has not occurred. There is a producing quarry on the adjacent lands.

Due to the importance of protection of mineral aggregate resources, the Board would have liked to hear more definitive evidence as to the aggregate production potential of the Tanglewood lands. In any event, these lands are in the middle of the parcel. As determined above, the lands fronting on Highway 31 are too far removed from the Urban Area lands to the north on the same side of Highway 31 to justify their inclusion in the Urban Area and the lands fronting on Hawthorne are even further distant. Therefore, any modification as to designation of the lands in the middle of the parcel could in the circumstances only be to a General Rural designation. That designation would remove the capacity for aggregate resource extraction. In view of these considerations, any modification of the Plan to change the designation of the Mineral Resources Area lands in the parcel is premature.

The Board will not modify Schedule A of the Plan in regard to the lands identified as Referral 17. The Board will approve the designation of the lands identified as subject to Referral 17 on Schedule A as General Rural Area and Mineral Resources Area.

The Board will not further modify Section 2.2.1.(f) and 2.2.5. of the 1988 Regional Plan as requested by Tanglewood.

D. Summary of Determinations

Schedule A to the 1988 Regional Plan as it is before the Board pursuant to Referrals 15 and 17 as modified above by the application of an Urban Area - Stage II designation (with appropriate explanatory note) to the developable part of the Remer lands is approved. Schedule B to the 1988 Regional Plan as it is before the Board pursuant to Referral 29 is modified by the application of a General Urban Area - Stage II designation (with appropriate explanatory note) to the developable part of the Remer lands and as so modified is approved. The referral request as to the remaining Remer lands is deferred.

Section 2.2 Policies, as before the Board pursuant to Referrals 3, 6, 15 and 17, as modified above by amendments to Sections 2.2.1(f) and 2.2.5 and by addition of Section 2.2.14 as to the Urban Area - Stage II and General Urban Area - Stage II designations applicable to the Remer lands (above) is approved.

9. GLOUCESTER EQUESTRIAN CENTRE

This part of the decision deals with:

- Referrals 13, 27 and 35 of the 1988 Regional Plan. Referral 13 concerns proposed policies for airport noise zones, Referral 27 the designation of lands in Leitrim owned by the Gloucester Equestrian Centre Ltd. as an Extensive Employment Area on Schedule B, and Referral 35 the designation of aircraft noise zones on Schedule G. These referrals were made at the request of Gloucester Equestrian Centre Ltd. (referred to in the decision as "Equestrian"),

  As well, Regional Council is now asking that the Plan be modified by replacing Section 7.2.3. Policy 14 with a more detailed policy as to municipal implementation of the acoustic design criteria and requirements set out in a provincial planning document, Land Use Policy Near Airports. 1978.

- Referrals of requested Amendments No. 36 and 37 to the Official Plan of the Ottawa-Carleton Planning Area by Equestrian. Requested Amendment No. 36 would permit development of a country lot subdivision with smaller lots on private services than otherwise permitted. Requested Amendment No. 37 would amend Section 5.6.7 of the 1970 Plan as then in effect to permit council to consider residential subdivisions on land affected by noise exposure forecast (NEF) contours. These requests were pursuant to Section 17(3) of the Planning Act, 1980. However, By-law 214 of 1988 adopted the new Official Plan

and also repealed the by-law adopting the 1974 Official Plan.

- An appeal against By-law 222-23 of 1984 of the City of Gloucester as to the Equestrian lands.

- Referral of a proposed plan of subdivision of the same lands.

The Board will initially deal with evidence in the context of Referrals 13, 27 and 35 of the 1988 Regional Plan. Determination of the remaining referrals, together with the appeal as to Zoning By-law 223-23 and the referral of the proposed plan of subdivision, will flow in part from these initial decisions.

Equestrian wants to develop a residential subdivision on a 5 hectare parcel of land in Leitrim. However, the land is proposed to be designated Extensive Employment Area in the 1988 Regional Plan and is also within the area designated as Aircraft Noise Zones on Schedule G - Environmental Constraints and is therefore subject to Section 7.2.3 Policies 13-18, policies for noise, in the 1988 Regional Plan. Therefore Equestrian has requested referral of designations on Schedules B and G and the noise policies.

Part 8 of the decision describes some of the features of the Leitrim Urban Area, together with regional and local plan provisions. The Equestrian holding is slightly west of Albion Road. A local street, Quinn Road, runs west from Albion Road to a point midway along the east boundary of the Equestrian property. Plan of subdivision No. 682, dating from the 1950's, covering land on both sides of Quinn Road contains a number of lots and one block; the block and four of the lots are undeveloped. The remaining lots

contain a small shopping centre and a church at the Albion Road intersection, together with 16 homes. Photographs filed as exhibits show a number of these homes as newly constructed and very well landscaped.

There are additional residential uses, industrial uses and some tracts of vacant land in this sector of the Leitrim Extensive Employment Area. Some of the vacant land is owned by the Federal Government. The C.P.R. track is the west boundary of both the subject land and the Extensive Employment Area. Lands owned by the Federal Government containing the Ottawa International Airport lie further west.

The Board heard a great deal of evidence as to land use planning matters and technical issues involving the location of noise contours (the Aircraft Noise Zones), interpretation of provincial government guidelines as to noise and a plan for future expansion of facilities at the Ottawa International Airport. In particular, the need for, timing and location of a new east-west runway was discussed. All this evidence has been considered. However, not all evidence introduced at the hearing will be directly referred to in the decision.

At the outset, the Board wishes to comment on one part of the evidence adduced by the Region. This evidence sought to provide a simulation within the hearing room using a computer based noise simulation of noise generated by different aircraft as it would be heard at certain points on the ground. Some substantial concerns as to the efficacy of this particular demonstration were brought forward by counsel for the appellant both before the demonstration itself and through cross-examination of witnesses.

The Board did not find this presentation at all conclusive. This is not to say that the Board is adverse to the introduction of meaningful evidence utilizing innovative technology (quite the contrary), or that at some other hearing a similar presentation might not be of some assistance.

The Board is aware from the evidence of the witness Tunnacliffe and exhibits filed that a very extensive planning review by the Region took place before changes to noise policies in the 1988 Regional Plan were introduced. Further, additional changes were recommended as a result of public meetings on the Plan. Exhibit 45 is the agenda of a meeting of the Regional Council's Planning Committee held in November 1987, for the purpose of dealing with the then draft Plan. This agenda contains a comprehensive report from the then Planning Commissioner dealing with submissions heard at a public meeting of the Committee in September, 1987, pursuant to the requirements of the Planning Act, 1983. Report # 20 in this agenda considers representations and staff recommendations as to airport noise zones. These staff recommendations for amendment to the noise policies were adopted by Committee and incorporated in the Plan.

Paragraph 1 of Report #20 states:

> "The purpose of designating an airport noise zone in the official plan is to put people on notice that their land may be affected by noise from the airport and to implement provincial policies towards development in areas affected by airport noise."

Mr. Tunnacliffe stressed the importance of this airport as an important community resource which also represents a substantial public investment. In his view surrounding lands should be developed so that the airport can continue "forever". From an examination of the land use map from the Master Plan for the Ottawa Airport he

determined that the Equestrian lands "line up" with the proposed east-west runway. In his view, these lands should not be developed for residential purposes.

Mr. Tunnacliffe recommended that the Board modify Policy 14 to provide a more detailed policy as to local planing documents to ensure that accurate design and other requirements are implemented as to lands in the noise zones on Schedule G of the Plan. He provided the following proposed modification.

> "14. Local official plans, plans of subdivision, plans of condominium, and zoning by-laws in municipalities affected by airport noise zones designated on Schedule G shall contain provisions to ensure that the acoustic design criteria and other requirements of "Land Use Policy near Airports, 1978" within the airport noise zones will be implemented including appropriate landscaping and berming, building placement and height, and building design and construction methods."

Two issues must be determined:

1. Are the aircraft noise policies in the 1988 Regional Plan valid,

   (i) as to location of the noise zone shown on Schedule G which is derived from Transport Canada's NEF and NEP Maps (Exhibits 283 and 284) for the Ottawa International Airport? In particular, the NEP 2000 contours (Exhibit 284) are based on inclusion of the effects of a new east-west runway considered to be necessary by at least the middle of the first decade of the 21st century. Need for this runway, its location on the exhibit as part of the basis of the contours, as well as methodology of NEP contour determination for the airport were all challenged by the referror.

(ii) as to application of the policies or guidelines contained in a provincial document titled Land-Use Policy Near Airports, 1978? This issue dealt with both content of the document and its seen recognition as a policy statement pursuant to Section 3 of the Planning Act, 1983. The content of the document will be more fully discussed below.

The Board after reviewing Section 7.2.3 does not think it is necessary in this instance to consider whether the document, Land-Use Policy Near Airports, 1978, is a provincial policy statement in the context of the Planning Act, 1983. Rather, its content is being incorporated into the Plan to be read as part of the Plan. Accordingly, the Board will consider the statements contained in Land-Use Policy Near Airports, 1978 as to their merit or reasonableness as a part of the 1988 Regional Plan. The Board has reviewed the Brennan case cited by counsel and does not think it is germane in this circumstance.

2. The second issue is whether, assuming the aircraft noise zone policies and the location of the zone on Schedule G are correct, any residential development of the Equestrian lands is then appropriate, and if so, the minimum residential lot areas which should be permitted.

Counsel for the Region called 7 witnesses. With the exception of Mr. Tunnacliffe, who gave evidence as to aircraft zone policies as well as other land use planning matters, their evidence dealt primarily with the aircraft zones issue.

Essentially, the policies contained in Section 7.2.3 of the Plan depend in large part upon the application of a noise exposure forecast system which reflects noise produced by all types of

aircraft at an airport and utilizes a land compatibility table setting out uses by group together with noise exposure forecast values for each group. Aircraft noise policies contained in Section 7.2.3 of the 1988 Plan depend on input from two sources. The first is noise contours derived from Transport Canada's Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) as applied to the Ottawa International Airport.

The NEF contour map is a short term assessment of noise generation. Exhibit 283 before the Board, prepared in 1988, shows the greater part of the Equestrian land lying between the NEF 30 and 35 contours with a small south easterly portion lying between the NEF 28 and 30 contours. The NEP contours represent a longer time range projection. Exhibit 284, titled 2000 Noise Exposure Projection, shows all of the Equestrian lands lying between the NEP 35 and 40 contours.

The second source of input to the Plan policies is the provincial guideline Land-Use Policy Near Airports, 1978. This guideline contains a compatibility table for land uses which relates noise values derived from Transport Canada NEP/NEF contour maps to land uses by groups. Group 1 contains residential and related indoor and outdoor uses. If the noise exposure forecast values (read from the NEF/NEP contour maps) are between 35 and 40, new uses in this grouping should not be permitted unless the outdoor environment is irrelevant and acoustic design criteria are met. Should the noise exposure forecast fall between 30 and 35, some annoyance to a Group 1 user would occur but residential development would be acceptable if approved by the municipality. If the land was located between the 28 and 30 contours, buildings containing Group 1 uses would have to conform to acoustic design criteria. Below contour 28, noise is not considered to be a problem for Group 1 uses.

Peter Boles who is a senior staff member of the Ministry of Municipal Affairs explained the genesis, content and use of Land-Use Policy Near Airports, 1978 by the provincial government. This document has been applied in official plans throughout the province as a means of identifying and restricting noise sensitive uses in areas exposed to a NEF value greater than 35. It is important to protect the operation of airports from encroachment by incompatible uses.

Although Mr. Boles urged the acceptance of the guideline as provincial policy, it is not necessary, as noted earlier, for the Board to determine whether such should be the case at this hearing. Since the guideline has been incorporated in the 1988 Regional Plan in policies under referral, the Board must be satisfied that it is a rational criterion able to withstand technical challenge. No question was raised regarding the content of the guideline save as to the use of NEP contour maps as one of its bases and the assumptions upon which the NEP map before the Board had been determined. The Board will now turn to the evidence regarding the NEP contour map, Exhibit 284. Schedule G contains a conceptual representation showing the outer perimeter of the NEF/NEP contour maps for the Ottawa International Airport.

Joel Huges, manager of airport development at the Ottawa International Airport filed and explained the Draft Master Plan, 1990 for the airport. This document is to be a guide for both short and long term development based on supply and demand factors as to service. There is a need to develop greater runway capacity and indicators point to the need for an additional runway in the first quarter of the 21st century. Planning for this facility should now be under way.

Due to constraints of land area and nearby residences, development of a runway in the north part of the property is now not feasible. Therefore, the additional runway should be located in the south core of the property and have an east-west orientation. Mr. Huges thinks the runway should be parallel with and 5,000 feet to the south of the existing east-west runway. The 2000 Noise Exposure Projections were prepared on the basis that this proposed runway was in operation.

The Board also heard from another witness Romi Singh, an aviation consultant, who had been involved in a study to determine the nature and extent of constraints in the airport's capacity in peak periods such that ground delays in excess of four minutes would not occur. Mr. Singh explained in detail the methodology used by his group in reaching their conclusions.

This group concluded that the airport is now operating in a saturated condition during peak periods. Probability that a new runway will be needed between now and 2008 is very high. Some procedural changes could make current runway areas adequate to 1992 or 1997 depending on circumstances. After that, either a new runway must be built or traffic sent elsewhere during peak periods. Diversion of traffic could postpone the need for a new runway to about 2004. Mr. Singh considers the present planned location for the runway as appropriate.

Three witnesses employed by Transport Canada in the fields of air navigation planning, environmental impact and forecasting gave evidence as to how NEF and NEP contours are calculated and applied to airports. Their discussion was both as to general technique and as to the generation of noise projections for the Ottawa International Airport. The thrust of their evidence is to the effect

that NEP forecasting is a recognized methodology which was properly applied in the generation of the 2000 Noise Exposure Projection for the Ottawa International Airport in 1984. The results then attained are still relevant forecasts and should be relied on for land use planning purposes in the area. The 2000 NEP was prepared after lengthy research including discussions with Regional planners who were anxious to have this information in order to proceed with regional planning issues.

The new parallel runway has been included in calculations on an ongoing basis for several years and was a part of the calculations of the 2000 NEP. Further, these underlying calculations are taking into account the impacts of improved technology, changing flight patterns due to demand and related issues.

The collective thrust of evidence from these witnesses was that the importance of determining on a long range basis the areas where, and at what levels, aircraft noise will be experienced in the vicinity of airports can not be underestimated both in terms of airport planning and protection of airport uses and land use planning in surrounding areas.

In cross-examination, counsel for Equestrian raised the matter of location of the terminus points of the proposed runway in the calculations of 2000 NEP and whether both points are perpendicular to the same points on the existing east-west runway so that a rectangle is formed for purposes of calculating noise zones. A skewing of the east terminus point now appears to exist on Exhibit 284 whereas Exhibit 300 reflects a configuration closer to a rectangle. The point was raised that calculations of contours might have been different if it were taken that the proposed runway would be 200 metres further to the west as appears to be the case on

Exhibit 284 (and 291). In the case of the Equestrian lands, distances involved are very small and deviations in determinations could be significant in determining which contours affect the land.

Scott Smith who is responsible for noise projections for airports in Ontario and who gave evidence as to development of contours using NEP, when questioned as to this issue, responded that without further research, it would be impossible to predict what contours would be produced were the runway's location readjusted as it is not a simple matter of moving the contours an equivalent distance. In his opinion a locational change of 200 metres in the runway location would not of itself, in this instance, justify a recalculation of the 2000 NEP.

All three witnesses stated they were satisfied with the technical accuracy and correctness of the underlying assumptions involved in the determinations leading to the development of the noise contours on 2000 NEP for the Ottawa Airport; it represents a true assessment of aircraft noise impact on surrounding land use and factors such as ground attenuation are taken into account by the generating programme. The evidence of these expert witnesses was not shaken in any substantive respect in cross-examination.

Exhibit 299, Land Use in the Vicinity of Airports, 1989 was filed by Mr. Shuter, one of the three witnesses, and is of particular interest to the Board. Mr. Shuter referred to Part IV of this document as containing the recommended practice for governments in dealing with airport expansions across Canada. Use of the NEP for long range planning is an accepted procedure.

Counsel for Equestrian called Neil Standen who is a consultant with extensive experience in acoustics, aerodynamics and related

fields.

Mr. Standen did not agree with the 2000 NEP contours determined for the Ottawa International Airport. He explained that Exhibit 300, the input data report for the 2000 NEP Ottawa Airport, prepared by Transport Canada, is based on data that was prepared some time ago on the assumption that a new runway would be constructed by the year 2000. Later it was determined this would not occur. However, the assumptions and data collected initially have not been updated in spite of the fact that since that time there have been many aviation and technical changes and some of the assumptions are now dated. For example, different types of aircraft could now be expected to use the airport by the time the proposed runway is actually operational. There would also be different flight patterns and destinations. As well, growth of air traffic itself may not occur as predicted. All these things would affect the generation of aircraft noise. Thus, contours would alter to the benefit of the Equestrian land, placing it between contours well below the noise exposure value of 35 now forecasted for the land.

Mr. Standen also raised the issue of the current knowledge of ground attenuation (reduction of the noise level because of immediate presence of the ground). Ground attenuation is dealt with in the computer programme for NEP determination. There have been recent advances in calculations of ground attenuation which are not yet represented in that computer programme. Mr. Standen's witness statement points out that:

> "Current knowledge of sound propagation close to the ground lead to the conclusion that the contours prepared for the 2000 NEP (1984 ed.) over-predict the noise impact at low angles of elevation."

A further possible change factor is that it may not be necessary to separate the two parallel runways by a distance of 1500 metres as originally determined and as reflected in 2000 NEP calculations. Such a change in separation distance would also affect the calculations upon which the current noise contours depend.

From his research regarding the above factors and the scenarios their presence would generate, Mr. Standen through his programming derived a number of alternate noise contours showing modifications of the 2000 NEP contours affecting the Equestrian land. These were filed as part of his evidence.

Mr. Standen's evidence was directed to the validity of the contours in the abstract and did not directly address whether the Equestrian lands do in fact possess "specific natural topographic features, ground conditions or the presence of reflective or shielding surfaces" capable of providing sufficient attenuation of ground based aircraft noise to reduce the NEF/NEP values for the site to less than 35.

The Board was impressed with the evidence of all these witnesses. However, the prime purpose of generating NEF/NEP contours must be remembered. It is to provide development protection to airports which provide a public service not to be lightly interfered with or interrupted, and at the same time, to protect the public from being placed in a situation where development goes forward and then ill effects from airport noise are experienced at a later date. Both the ability of governments and airport operators to effectively plan long range airport development and the ability of municipal governments and land owners to plan for long range land uses and development potential in areas near to airports are enhanced by the availability of forecasting information such as 2000 NEP. It is only

reasonable to expect that in such a long range planning scenario as was described, in the context of economic and scientific changes among other factors, there will be unknowns and later adjustments. Thus, all representations, even as to the exact location of a proposed runway must be treated to some extent as conceptual ideas.

Similarly, the Board appreciates Mr. Standen's evidence as to changes which have occurred in aviation since the original computations and assumptions were determined in the 1984 period. It would be surprising if such changes have not occurred and are not continuing to occur. The issue here is should the existence of such changes, not yet quantified, affect the credibility of the 2000 NEP for the Ottawa airport so as to discredit in whole, or in part, generation of the noise zones on Schedule G as they depend on the 2000 NEP.

If all the possible effects noted by Mr. Standen were capable of quantification and validation, there might be a difference in the resulting noise contour lines. Similarly other effects and events not known presently might also have an influence on these same determinations. Again, the Board considers it is working with a general concept necessary to provide protection of potential expansion of the airport in the future. As such, and bearing in mind the public interest to be served in the matters of airport development and public well being, if a choice must be made between a worst case scenario which the 2000 NEP may represent as to noise impact, and a better case or best case scenario which Mr. Standen's programme seems more likely to produce, the Board in this instance prefers to rely on the approach which, although conservative, will provide the greatest protections to the public as recipients of noise affect as well as the public who have an investment in the ability

of the Ottawa International Airport to be able to continue to develop in the future in an appropriate manner. Any other course of action in the circumstances would be premature and deleterious to the public interest. Furthermore, the policies set out in Section 7.2.3 of the 1988 Regional Plan do not act as an absolute bar to development even though land is located between the 35 and 40 noise contour. Policies 16 and 17 provides as follows:

> "16. Notwithstanding policy 13, local official plans, plans of subdivision, plans of condominium, and severances which permit residential development above NEF/NEP 35 may be approved, if it is demonstrated that the site's specific natural topography, ground condition or the presence of reflective or shielding surfaces provides sufficient attenuation of ground based aircraft noise to reduce the NEF/NEP values for the site to less than 35, when all other pertinent criteria involved in the calculations of the NEF/NEP values have been included. In this regard applicants shall be required to submit a noise study prepared by a qualified professional engineer with experience in acoustical studies. The requirements of policies 13-15 then apply.
>
> 17. Council shall seek the advice of Transport Canada, the Ministry of the Environment and the Ministry of Municipal Affairs in implementing policy 16."

The Board understands from the evidence that policies 16 and 17, as they now appear above, were in part the result of reconsideration of draft policies flowing from submissions by Equestrian and others at the time of Planning Committee's review of the Draft Official Plan in September, 1987. Thus, the concerns of the referror were considered and acted upon in the development of the Official Plan policies as adopted.

Accordingly, the Board will not modify Schedule G. Section 7.2.3. Policy 14 is modified as requested by the Region by the deletion of the present text of Policy 14 and its replacement with the proposed Policy 14.

The Board now turns to consideration of Referral 27 as to designation of the Equestrian land as an Extensive Employment Area on Schedule B, together with the appeal by Equestrian of By-law 222-23 of 1984 as to its lands and the referred plan of subdivision. Briefly, Equestrian wishes to have these lands designated so as to permit residential development with appropriate policy amendments to recognize development not on municipal sewage service, zoning appropriate to residential development of lots of .2 hectares and approval of a plan of subdivision for 16 lots.

The Board heard evidence from Mr. Tunnacliffe and from Philip Huntley who is a planner with the City of Gloucester. Both are in agreement that industrial designations, zoning and uses are appropriate for the Equestrian lands. As well as the aircraft noise zone issues addressed above, there are concerns that two dump site areas to the west of the Equestrian lands, now discontinued, may be discharging leachates into groundwater. Evidence was heard in regard to this issue. Further, the Extensive Employment Area of Leitrim is well situated to take advantage of proximity to the airport.

Michael J. Bacon, a planning consultant, gave evidence on behalf of Equestrian. The planning evidence of Mr. Bacon as to land use issues was of considerable assistance. However, the Board is unable to accept Mr. Bacon's recommendations as to appropriate amendments to the planning documents.

Mr. Bacon provided and commented on photographs showing existing development on Quinn Road and the topography and tree cover of the Equestrian lands. The Board also had the benefit of Exhibit 367 an air photo filed by Ms Tasi-Wood in another part of the hearing.

In Mr. Bacon's opinion, residential development of the Equestrian lands should occur. He noted that his evidence was given on the basis that aircraft noise issues would be addressed by Mr. Standen. He viewed a lot area of .2 hectare as appropriate even though public sewer services were not available, citing the example of residential development on lots with a permitted minimum area of .2 hectare without public sewers on Quinn Road. That subdivision was approved in the 1950's with development going forward over the years.

The location of the Equestrian lands at the end of a local street serving a small and well-established residential community containing a number of dwellings requires special consideration in determining appropriate future land use. In the past, municipal decisions permitted development of this small linear residential subdivision. Its designation as an Extensive Employment Area in the 1988 Regional Plan is not before the Board. Further, neither the existing residential area or the Equestrian lands are included in Amendment No. 10, Leitrim. Rather, these lands are designated as Rural B in the City of Gloucester Official Plan. This design permits agricultural uses, limited residential commercial and industrial uses. In particular, country lot development in accordance with the policies of the Official Plan is permitted.

Section 1.7.2.7 of the 1988 Regional Plan recognizes the existence of what would otherwise become nonconforming uses when zoning by-laws and local plans are brought into conformity with the 1988 Plan. A residential enclave located in an Extensive Employment Area does not have to be zoned industrial in order to provide conformity with regional and local official plans. However, the Board notes that Section 1.7.2.7 is directed specifically to buildings or uses which exist as of the date of adoption of the Plan. A few vacant lots as well as one block are interspersed among the

developed residential lots on Quinn Road.

By-law 222-23 as enacted by Council zoned the lands in the residential subdivision and the Equestrian lands as Holding Agricultural General Zone (Hag). The General Agricultural Zone requires residential lots to be a minimum lot size of .8 hectares and the holding zone classification is applied to permit release of the lands for development when various matters of concern to the municipality have been satisfactorily addressed.

Upon appeal by owners, the Board, as then constituted, amended By-law 222-23 as to the subdivision lands to provide a Rural General Zone (Rg) classification and adjourned consideration of the Equestrian lands.

One owner on Quinn Road, Mr. Fekete, who has lived in the area for a number of years, testified at this hearing. He wishes to develop a vacant lot which he owns and which is adjacent to his own home as a residence for his daughter. This lot is also adjacent to the Equestrian lands. Mr. Fekete asked that residential uses be permitted on the Equestrian lands.

Section 1.7.2.7 of the 1988 Regional Plan, as worded, would appear to anticipate industrial zoning being placed on <u>vacant</u> lots in this subdivision when the local official plan and zoning by-law are brought into eventual conformity with the 1988 Regional Plan. Thus, the possibility of a mix of industrial and residential uses on one street exists. Section 1.7.2.7 is not before the Board by way of referral. Consequently, the Board has no jurisdiction to modify this policy. However, the eventuality noted would be less likely if the Equestrian lands are designated General Urban instead of Extensive Employment Area, zoned accordingly and residential

development permitted.

The Board does not view it as essential to reaching a target figure of 4,000 jobs in Leitrim that the 5 hectare Equestrian land holding be designated for industrial development. The Region's Vacant Industrial Land Inventory shows much of the lands in the Leitrim Extensive Employment Area as vacant and Exhibit 289 indicates that there is 54.6 hectares of vacant industrial land within 3.5 kilometres of the Airport. The Board finds on balance that concern as to provision of an adequate amount of industrial land in Leitrim and in the vicinity of the Airport is outweighed in this instance by the need to protect the existing Quinn Road residential area from an intrusion of industrial uses.

The Board, in this unique circumstance, is most concerned that insertion of industrial uses on the Equestrian lands could permit an incompatible land use to be established affecting the established residential uses on both sides of Quinn Road. It would appear unrealistic for the 1988 Regional Plan, having determined the existing residences will remain as conforming uses, to then permit industrial uses which may generate noise, together with industrial traffic on a local road to occur immediately to the west.

Evidence suggested some possibility of extending Post Road north and south to Leitrim Road to provide road access other than Quinn Road for the Equestrian lands. Examination of Exhibits 317 and 319 together with witnesses' descriptions of the industrial subdivision further south indicate such a road alignment, although possible, would be problematic. Quinn Road, without further evidence before the Board as to provision of an alternate road system, remains the more likely means of ingress and egress to the Equestrian lands in the future.

Lands to the immediate north designated as Extensive Employment contain residential uses as well as some industrial uses, all located on very deep lots. Accordingly, the potential for more industrial development on lands to the north adjacent to both existing residences and the Equestrian lands is already present. However, lot configuration indicates buffering of the existing residential uses and any residential development on the Equestrian lands can be attained. Industrial development on lands further south are separated from the existing residential development on Quinn Road by vacant treed land in public ownership.

Permitting development of dwellings rather than industrial uses on the Equestrian lands, assuming all policies set out in Section 7.2.3 of the Plan and the issue of contaminates from the sites to the west can be successfully addressed, presents the possibility of a fair solution to a difficult land use problem vis a vis the homes now in place on Quinn Road.

Subsequent to the coming into effect of By-law 222-23 in 1985, the 1988 Regional Plan was adopted and in large part approved. Part 10 of the Plan deals with environmental protection. The Board notes Section 10.1.2.3 as follows:

> "3. All new development within Urban Areas designated on Schedule A shall be serviced entirely by the central systems for water supply and sewage treatment."

Section 10.1.2.4 goes on to provide relief for development occurring in subdivision plans registered before 1974 as follows:

> "4. Notwithstanding policy 3 above, single detached residential development on private individual services may be permitted within designated Urban Areas on Schedule A on lots in plans registered prior to 9 October, 1974, if piped services are not available."

Clearly, the Plan contemplates relief from the requirement for services for older residential development in Urban Areas. Clearly, the existing subdivision on Quinn Road falls within the ambit of relief set out in Section 10.1.2.4. However, justification is still required, in the face of Part 10 of the 1988 Regional Plan, to now permit a new subdivision or new development to occur in an Urban Area without available sewage treatment through piped services. The Board does not find justification exists in this instance to permit a subdivision containing 16 lots with minimum lot areas of .2 hectares, if dwellings within that subdivision would have to rely on private sewage treatment facilities.

However, having regard to the history of proposed development of this land as described by witnesses together with the importance of some protection for existing residential uses on Quinn as noted above, the Board can see justification for limited residential development consisting of fewer and larger lots on the Equestrian lands.

Although this land is designated as Urban Area on Schedule A of the Plan, the Equestrian lands, by virtue of location, surrounding land uses, topography and natural features, appear well suited to the type of residential development described as "country lot development" in Section 4.2.3. of the 1988 Regional Plan.

That section goes on to provide policies for rural residential development including appropriate lot areas in the absence of sanitary sewer facilities and the like for country lot development. Section 4.2.3. Policy 13, contains a requirement for a minimum lot area of .8 hectare for such development. Such a requirement appears reasonable in this circumstance.

Zoning By-law 222-23 zones the Equestrian lands Holding, Agriculture General Zone. This zoning permits a single residential dwelling on a lot with a minimum lot area of .8 hectares and a minimum frontage of 60 metres subject to meeting municipal concerns pursuant to Section 35 of the Planning Act, 1983. Section 35 requires that a holding provision by-law may only be used if the official plan of the municipality contains provisions relating to the use of the holding symbol.

Section 10.2.2 (b) of the City of Gloucester Official Plan (Exhibit 313) provides as follows:

> "(b) Zoning by-laws will be adopted, maintained and enforced to implement the plan policies and may be adopted, as required, under the Planning Act to:
>
> (i) use a holding symbol 'H' on any land except those designated "Limited-Development" or "Agriculture", where development or redevelopment needs to be restricted due to site specific issues to be resolved prior to development. Such matters may include, but need not be limited to final registration of subdivision plans, servicing requirements, provision of financial or securities, special design and construction constraint study and detailing of standards and utility requirements. The holding designation will be removed as soon as reasonably possible after the required concerns have been resolved and, where appropriate, an agreement has been signed by the developer and Council to ensure compliance with Council requirements."

The provisions of the City Official Plan provide for use of holding by-laws where site specific issues exist. These issues exist in this situation.

Lots of or in excess of .8 hectares would provide some opportunity for fulfilling provisions as to landscaping, berming, building placement and design, height and the like pursuant to modified Policy 14 above, should the other policies in Section 7.2.3 be satisfied. Restricting development to larger lots will also permit greater flexibility in siting houses away from a railway line

to the east.

As noted above, the Board will not modify Schedule G as requested. It is not intended that residential development occur on these lands unless all requirements set out in Section 7.2.3 (as modified by the deletion of Policy 14 and the inclusion of a new Policy 14) of the Plan can be satisfied. Policy 16 provides for consideration of residential development above NEF/NEP 35 if it is demonstrated through a noise study prepared by a qualified person that conditions exist to provide attenuation of ground based aircraft noise to reduce NEP/NEF forecasts below a value of 35.

No referral of the designation of these lands as Urban Area on Schedule A is before the Board. Had such a referral had been made, the Board would have considered redesignating the Equestrian lands as General Rural Area in order to facilitate country lot development, subject of course to the other requirements of the Plan (including Section 7.2.3) and City of Gloucester planning documents.

Instead the Board will modify Schedule B which is before it pursuant to Referral 27 to designate these lands as General Urban and will further modify Section 7.2.3. of the 1988 Regional Plan by the introduction of Policy 18.1, a site specific modification, which will provide for development of the Equestrian lands residentially as a discrete General Urban Area with private sewage facilities and subject to all provisions of Part 3 and all requirements of Section 7.2.3. of the Plan. Specifically, residential lots will require a minimum lot area of .8 hectares.

The Hag zoning of the Equestrian lands is appropriate as to permitted uses, lot areas and the holding qualification since noise and contamination issues exist and must be dealt with before

development is permitted to occur. The holding provision provides additional notification to the public of this concern.

In view of these determinations, the Board will not approve the plan of subdivision before it under cover of File S 860010. Any new plan of subdivision or application for consent to sever submitted to the approving authority would be reviewed pursuant to Section 50(4) of the Planning Act, 1983. Health, safety, prematurity, public interest and other issues would be considered at that time. In particular, although all the matters specified in Section 50(4) are of particular concern in any development of the Equestrian lands for residential purposes, it would be incumbent upon the approving authority to concern itself with the issue of possible contamination of surface and ground water flowing from the abandoned dump sites to the west and the matters noted in *Section 7.2.3 Policy 14 as now* modified.

Accordingly, the Board will:

1. modify Section 7.2.3. of the 1988 Regional Plan by:

(i) the deletion of Policy 14 and its replacement by a new Policy 14 as follows:

> "14. Local official plans, plans of subdivision, plans of condominium and zoning by-laws in municipalities affected by airport noise zones designated on Schedule G shall contain provisions to ensure that acoustic design criteria and other requirements of "Land Use Policy near Airports, 1978" within the airport noise zones will be implemented including appropriate landscaping and berming, building placement and height, and building design and construction methods."

(ii) the inclusion of a new Section 7.2.3 Policy 18.1 as follows:

"18.1 Subject to satisfying all provisions in Policies 13 to 17 above and subject to satisfying all regional and local municipal planning requirements, a 5 hectare parcel of land contained in Lot 16, Concession 3, City of Gloucester, contained within the airport noise zones as shown on Schedule G and designated General Urban on Schedule B may be developed with residential lots which shall have a minimum area of .8 hectares and be on private sewer services. It is to be determined by the appropriate authority at the relevant time whether any such development if otherwise permitted should occur by way of plan of subdivision or consent. Notwithstanding the General Urban designation now provided on Schedule B, it is understood that if any of the requirements set out in Policies 13 to 17 can not be met to the complete satisfaction of Regional Council or any other authority, residential development on these lands shall not proceed."

As so modified, Section 7.2.3, Policies 13 to 18, of the Plan are approved.

(iii) modify Schedule B of the Plan to redesignate the lands identified as subject to Referral 27 from Extensive Employment Area to General Urban Area. There is to be clear notification on Schedule B that the Equestrian lands are subject to Section 7.2.3.18.1 of the Plan. As so modified, Schedule B to the Plan is approved.

(iv) The Board will not modify Schedule G of the Plan as requested pursuant to Referral 35. That part of Schedule G identified as "Aircraft Noise Zones" is approved in its entirety.

(v) The Board will not approve requested Amendments 36 and 37 to the 1974 Official Plan of the Regional Municipality of Ottawa-Carleton.

(vi) The Board dismisses the appeal before it as to By-law 223-23 of 1984 of the City of Gloucester.

(vii) The Board will not approve the proposed plan of subdivision on the subject lands before it under cover of File S 860010.

10. AREAS OF POOR LAND IN AGRICULTURAL RESOURCE AREAS

In the adopted 1988 Official Plan, Section 5.1.3.3 reads as follows:

"Areas of poor land not in agricultural use exists within Agricultural Resource Areas. These areas are surrounded by agricultural operations. Because of their small size and scattered nature they have not been designated General Rural Area as this would permit a broad range of uses, some of which, including country lot subdivisions, would be incompatible with the surrounding agricultural operations. The policies below recognize the difference between these pockets and the surrounding farm land but establish criteria to minimize the likelihood of conflicts arising between activities permitted on these pockets and farming operations.

If area municipalities wish to permit development on these areas, either the areas may be designated in local official plans through an amendment which has considered all of the lands in the area municipality designated Agricultural Resource Area, in order to enable an overall appreciation to be reached of the impact of the policy on the whole farming community in each area municipality before it is decided whether such a policy is desirable; or local official plans may contain policies to permit such development, subject to specific zoning by-law amendment.

In summary:

6. Non-farm residential lots may be created by severance in areas designated Agricultural Resource in this Plan on land which displays all of the following characteristics:

   a) has a capability rating for agriculture predominantly of class 5 or poorer as determined from the soil maps of Ottawa-Carleton prepared by the Ontario Institute of Pedology,

   b) is not being used or capable of use as part of an adjacent agricultural operation,

   c) has frontage on a public road which is maintained year-round,

   d) is sufficiently wooded with mature trees so that houses can be buffered from adjacent farm operations,

   providing the local official plan either contains policies to permit such lots by specific zoning by-law amendments, or such land has been designated by an amendment that considers all of the lands designated Agricultural Resource Area in that area municipality.

7. In implementing policy 6 above, Council shall ensure that no new areas of strip development will be established. In addition Council shall have regard to the *Agricultural Code of Practice*, dated 1976.

8. Lots created in accordance with policy 6 shall have a minimum size of two hectares and meet the requirements of policy 10 in Section 10.1.2."

On the request of the Regional Municipality of Ottawa-Carleton, Section 5.1.3.3, in its entirety, has been referred to this Board as Referral No. 12. Throughout the hearing this matter was facetiously referred to as "Poor Pockets". The referral is based on submissions contained in the correspondence entered as Exhibits 335, 336, 337, 338 and 339. Essentially, the Ministry of Agriculture and Food is of the view that Section 5.1.3.3, as adopted, is contrary to the policies of "Food Land Guidelines" and therefore the Ministry has suggested certain modifications to Section 5.1.3.3 which are not acceptable to the Region.

Exhibit 330 is the Witness Statement of Planning Commissioner Nicholas Tunnacliffe, and his evidence is in support of Section 5.1.3.3, as adopted in the 1988 Regional Plan.

In the historical perspective, the 1974 Regional Plan designated some lands "Agricultural Resource Area" to be used primarily for farming. Another land use considered appropriate was limited non-farm residential development as single-family housing on lots with minimum areas of 0.8 hectare on small parcels of land which could not be farmed economically. However, Regional Council considered the random scattering of such non-farm housing not to be in the long-term interest of farming. Council, therefore, intended that it would be proper to designate substantial pockets of poor lands and not small areas on individual farms.

The basis for the designation was the 1967 Canada Land Inventory mapping which, in turn, was based on the Carleton County Soils Map of 1944. That mapping is difficult to use because of its age and scale and, therefore, the Region saw a need for the policy in the 1974 Regional Plan. The experience with that policy was difficult and the policy did not work properly. In 1983 new soils mapping was produced by the Ontario Institute of Pedology, as in Exhibit 331, at a scale of 1:50,000.

With that better quality mapping, the Region was able to identify, in the agricultural areas, some pockets ranging from 8 to 80 hectares in size. Therefore, the Region drafted its "Poor Pocket Policy" and subjected it to a public participation program in 1986. At that time there was no comment by the Ministry of Agriculture and Food but there was general public support for the proposal.

Exhibit 332 is a copy of Amendment 29 to the Official Plan of the Township of West Carleton, which was approved with modifications, on March 7, 1987. The effect of that Amendment was to establish High and Low Priority Agricultural designations and generally establish policies similar to that now proposed by Section 5.1.3.3. The Ministry of Agriculture and Food had no objection to that Amendment. Exhibit 334 is a copy of Schedule A to the West Carleton Official Plan and clearly shows substantial areas of land designated "Agriculture - Low Priority".

Based on experience with the West Carleton Amendment, the Region then drafted Section 5.1.3.3, as set out earlier in this decision. One of the proposed criteria was a minimum lot area of 2 hectares. Following consideration by Planning Committee and Council, Section 5.1.3.3 was incorporated into the adopted Official Plan. Subsequently, the Ministry of Agriculture and Food raised its

concerns with Section 5.1.3.3 and suggested certain modifications.

In 1989 discussions between the Ministry and the Region appeared to lead to agreement on modifications as indicated by Regional approval on May 24, 1989. However, the Ministry, on June 26, 1989, indicated otherwise and asked to have the matter reconsidered.

Against that historical perspective, Mr. Tunnacliffe reviewed his reasons for recommending approval of Section 5.1.3.3 in the Official Plan (with certain modifications). The soils mapping now available as Exhibit 331, is more accurate than the previous mapping and clearly shows the variety and intermingling of soil types. There are minimal areas in Cumberland, Osgoode, Rideau, Goulbourn, West Carleton, and Kanata which are suitable for the proposed policy. The Food Land Guidelines, 1978, clearly contemplate high and low priority agricultural designations. The proposed policy recognizes the two-tier planning jurisdiction in Ottawa-Carleton. The precedent has been set by the approved West Carleton Official Plan Amendment. The suggested criteria are suitable for the use of the proposed policy. Further, three aerial photographs on Exhibit 331 show that the policy will be limited in application.

It is his professional opinion that Section 5.1.3.3 represents good land use planning and is an appropriate policy because:

1) Soils mapping for Ottawa-Carleton shows some areas of the region have a variety and intermingling of soil types.
2) The Food Land Guidelines contemplate high and low priority designations.
3) The criteria in the Regional Official Plan will restrict its application only to a limited number of locations since all criteria must be fulfilled.

4) The Ontario Ministry of Agriculture and Food is protected since implementation will be through local official plan amendments.

5) The Ontario Ministry of Agriculture and Food agreed to the approach in correspondence to the Ministry of Municipal Affairs dated April 3, 1989 and April 26, 1989.

6) The Township of West Carleton's Official Plan Amendment 29 established a precedent to which the Ontario Ministry of Agriculture and Food did not object.

Therefore, he recommends that Section 5.1.3.3 of the Plan be modified as follows and then approved:

(a) by deleting the second paragraph and substituting the following:

> "If area municipalities wish to permit development on these areas, the areas shall be designated in local official plans through amendment".

(b) The last four lines of Policy 6 (as printed on page 5-3 of the 1988 Plan document (Exhibit 58)) beginning with the words "providing the local official plan..." be deleted and the words "if such land has been designated in a local official plan by amendment" substituted therefore.

Under cross-examination, Mr. Tunnacliffe agreed that farming is significant to the economy of Ottawa-Carleton and it is a major goal of the Regional Plan to protect agriculture. He also agreed that Section 5.1.3.3 might have some potential for land use conflicts, but it was still his view that Food Land Guidelines would not be contravened by the proposal.

Dr. Erven Mackintosh, a consulting agrologist, gave evidence in support of the Regional Plan. He said that in the Ottawa-Carleton area, the better agricultural lands tend to occur in distinct geographic areas surrounded by areas unsuitable for agriculture (Class 5 to 7 lands). There is, therefore, an opportunity to redirect development and the 1988 Regional Plan takes advantage of that opportunity to minimize impact on prime agricultural lands. Proposed Section 5.1.3.3 of the Plan is consistent with the Food Land Guidelines, 1978 and that is confirmed by the Amendment to the West Carleton Official Plan. Exhibit 331 shows that such lands are not extensive and therefore Section 5.1.3.3 is a sensible option for land use. It is, therefore, his opinion that the policy should be approved.

Grant Lindsay is the Planning Director for Goulbourn Township. He said the Township is now in the process of reviewing its Official Plan. Part of that process includes policies similar to Section 5.1.3.3 of the Regional Plan. It is his opinion that the policy represents good land use planning because it allows an element of flexibility to consider non-farm uses, but only according to established criteria. Any required amendment to the Township's Official Plan will still be subject to review by the Ministry of Agriculture and Food, and Section 5.1.3.3 is consistent with the present Township Official Plan.

The Board also heard evidence from Janet Anderson, the District Manager for Eastern Ontario for the Land Use Planning Branch of the Ministry of Agriculture and Food. She is responsible for co-ordinating the Ministry's comments on land use planning matters. Exhibits 346 and 347 were prepared by her as background information for her evidence. She reviewed available data to show that agriculture has a significant impact on the Region's economy. She

also reviewed existing approved goals and policies of the Regional Plan to show that the Plan recognizes the importance of agriculture and the need to protect agricultural lands.

She extensively reviewed all applicable provisions of the Food Land Guidelines, 1978, as well as the Draft Policy Statement issued for public review on April 30, 1986, pursuant to the Planning Act, 1983. The latter Statement has not yet been formally approved as a statement of government policy.

She said that the modification to the 1988 Regional Plan proposed by the Ministry of Agriculture and Food in 1989 was later found to be improper and was withdrawn by the Ministry.

In her opinion Section 5.1.3.3, as adopted and proposed to be modified, should be deleted from the Regional Plan for the following reasons:

1) The policies do not represent good planning and will lead to inappropriate and incompatible forms of development in the "Agricultural Resource Area" designation.

2) The wording of Section 5.1.3.3 is vague and imprecise and capable of loose and variable interpretation.

3) Section 5.1.3.3 does not conform to the policies, spirit and intent of either Food Land Guidelines or the Draft Policy Statement.

Under cross-examination she maintained that conformity with Food Land Guidelines must be rigidly observed. She did not agree with the opinions expressed by the Region's witnesses. She said the

modification originally suggested by the Ministry was in error and had to be withdrawn. She had not done any physical assessment of the "Poor Pocket" areas under consideration and she was not aware of the impact of Amendment 29 to the West Carleton Official Plan.

Joseph Newton is Manager of the Plans Administration Branch (North and East) of the Ministry of Municipal Affairs. One of his responsibilities is to manage the review and approval process for Official Plans and to ensure that Provincial interests have been adequately addressed.

Mr. Newton's opinion on this matter was sought by Ms Anderson in November, 1990. It is his view that non-farm development will adversely impact agricultural uses and will create conflicts with the rural community. He said that in predominantly agricultural areas, non-farm development is inherently incompatible with farming operations and is inconsistent with good planning principles. In his opinion, Section 5.1.3.3 of the 1988 Regional Plan does not conform to Food Land Guidelines. In particular, he noted a conflict between Section 4A.1 of the Guidelines which deals with high priority agricultural lands and their designation in areas as large as practical uninterrupted by non-agricultural designations, and proposed Section 5.1.3.3 of the Plan.

On cross-examination, Mr. Newton commented on a staff report within the Ministry of Municipal Affairs dealing with the 1988 Regional Plan. His evidence was to the effect that the Ministry of Municipal Affairs did not oppose the poor pockets policy. The referral to the Board was at the request of the Region. Mr. Newton also noted that discussions had been carried on with the Ministry of Agriculture and Food and the Region with a view to attaining a compromise as to the policy satisfactory to all.

The evidence of Dr. Sinha was that agriculture should be protected, but he also said that areas of poor agricultural land should be open for development.

John Sauve owns and resides on 83 acres of land in Lot 18, Concession 2, in Kanata. He supports the concept of Section 5.1.3.3 because it gives him the option to be able to make use of otherwise useless land. Tom Carroll resides on Lot 20, Concession 1, in Kanata and he also supports the concept of Section 5.1.3.3. He said it would be no different than what is now permitted across the road in West Carleton. Ronald Charlevoix resides on Lot 17, Concession 1, in Kanata. He said his land is not viable as a farm and he supports the concept of Section 5.1.3.3.

Counsel for the Regional Municipality argued that it was no surprise that the Resource Papers developed during the Official Plan Review identified the problem and the available options. The public review accepted the concept of Section 5.1.3.3 with the use of criteria adequate to ensure that there will be no conflicts. Accordingly, it is his submission that the proposed policy is consistent with Food Land Guidelines, 1978, when subjected to reasonable interpretation. Therefore, he argued that the Region's evidence is to be preferred over that of the Ministry of Agriculture and Food.

He argued that the Draft Policy Statement is now 5 years old, still not approved as government policy, and is therefore not a policy statement under Section 3 of the Planning Act, 1983. He described the so-called "error" by the Ministry in suggesting its original modification as not an error but simply showing that no consideration had been given to the criteria proposed. He argued that Section 5.1.3.3 still has regard to the goals of the Regional

Plan and is an appropriate policy. The Ministry had no objection to Amendment 29 to the West Carleton Plan and should not now attempt to dispute that process. Therefore, he asks that the Board approve Section 5.1.3.3 with the modifications recommended by the Region.

Counsel for the Ministry of Agriculture and Food argued that the issue is what use can be made of the areas of poor quality land. Evidence is that the lands can be used for associated agricultural uses in conformity with Food Land Guidelines. No need has been demonstrated to support the Region's position and, therefore, the proposal does not represent good planning because there will still be land use conflicts. He further argued the proposed policy is simply a response to pressure for development. The policy would permit uncertain interpretation and uses contrary to Food Land Guidelines. It was, therefore, his submission that Section 5.1.3.3 be deleted from the Regional Plan.

The Board has given careful consideration to all of the evidence and argument. It is noted that the Ministry of Agriculture and Food was circulated and did not have objection to Amendment 29 to the West Carleton Official Plan now in effect. No evidence was adduced to show that improper or unsuitable land uses have developed as a result of that Amendment.

The Ministry of Agriculture and Food appears to adopt, through the evidence of the witness Anderson, a position of rigid, rather than reasonable, adherence to the Food Land Guidelines, 1978. The Board cannot accept a philosophy of policy interpretation which would affix such rigidity to a document providing guidance. In any event, the Board is satisfied after its review that Section 5.1.3.3 is in accordance and generally consistent with the policies of the Food Land Guidelines. Further, as noted by counsel for the Region in

argument, the issue is not whether the policies in the Regional Plan "conform" to a policy statement issued under Section 3 of the Planning Act, 1983, but whether the Council, and now the Board, has had regard to a policy statement. (The Board does not think it is necessary to discuss or determine here whether the 1978 document is a policy statement pursuant to Section 3 of the 1983 Act; it will be considered as such a policy statement for the purposes of this discussion.)

The Board also notes the evidence of the witness Newton who considers proposed Section 5.1.3.3 in conflict with the Food Land Guidelines and likely to cause land use conflicts in agricultural areas. The Board has carefully reviewed Mr. Newton's evidence which is directed to the possible effects of Section 5.1.3.3 on conditions generally to be found in most agricultural areas, with the very specific evidence of Mr. Tunnacliffe and Dr. Mackintosh, both of whom have a detailed knowledge of land use and land characteristics in the Region. In this context, although the Board has the greatest respect for Mr. Newton's knowledge and experience, it finds the evidence of Mr. Tunnacliffe and Dr. Mackintosh more compelling because of its specificity as to the import of proposed Section 5.1.3.3 and proposed modifications upon existing agricultural uses and lands in this Region.

Accordingly, the Board prefers the evidence of witnesses called by the Region which shows that the proposed policy to be, in the limited circumstances intended for its application, generally consistent with the Food Land Guidelines, 1978 as well as with the overarching policies of the 1988 Regional Plan itself. In particular, the Board, in reviewing Parts 2 and 5 of the 1988 Regional Plan on many occasions during the hearing, was struck by the importance this planning document places on the protection of the

agricultural industry and agricultural lands within the Region. It would be incongruous for the proposed policy as to poor agricultural lands to be capable of any interpretation eroding the strong policy statements of the Plan in respect to agriculture.

In the context of the entire Plan, the proposed development criteria for areas of poor land in Agricultural Resource Areas, modified as now recommended by Mr. Tunnacliffe, are adequate to safeguard the goals of the Regional Plan and prevent perceived conflicts.

Accordingly, the Board will modify Section 5.1.3.3 as requested by the Region. As so modified Section 5.1.3.3 of the 1988 Regional Plan is approved.

11. WITHDRAWAL/ABANDONMENT/ADJOURNMENT OF SOME REFERRALS

A. Withdrawn Referral Requests
1988 Regional Plan

As noted, initially 35 requests for referral of parts of the Plan were before the Board. In several instances, parties who initiated referral requests withdrew them before the hearing commenced, at the outset or during the course of the hearing.

No other persons appeared during the course of the hearing to give evidence or express opinions as to the matters subject of these abandoned referral requests. The Board, having reviewed these particular referral requests in the context of evidence heard as to the general import of the Plan as its relates to these specific items, will now approve those parts of the Plan which came before it as a result of withdrawn referral requests. The order of the Board as to all the matters before it will reflect these dispositions as follows:

1. Referrals 18a and 18b and Referrals 4, 6, and 7 only as they affect this land:

Counsel advised the Board on November 5, 1990, that the request for the above referrals concerning a parcel of land in the City of Gloucester were withdrawn.

The Board, after consideration, approves the designation of the greater part of the land identified as #18a on Schedule A as General Rural Area. However, a small portion in the northwest corner of the subject land (which is more clearly delineated on Schedule B as Referral Request #18b) is designated Urban Area on Schedule A and is

so approved. The policies subject of Referrals 4, 6 and 7, as they affect these lands are approved without modification.

2. Referral 14 as to part of b and all of c:

Referral 14 initially concerned lands in Kanata designated "Agricultural Resource Areas" and labelled #14a, #14b and #14c on Schedule A to the Plan. The Board was advised at the commencement of the part of the hearing dealing with Referral 14 that the City of Kanata wished to withdraw its referral request as it related to a portion of #14b and as to #14c in its entirety.

The Board then heard evidence and argument and reserved its decision as to the designation of #14a and the remaining portion of #14b. Part 6 will deal with the designation of those lands.

The Board, after consideration, approves the designation of the lands now shown as part of #14b on Exhibit 81, south of the Richardson Side Road and all of #14c both as shown on Schedule A as Agricultural Resource Areas.

3. Referral 16, together with Referrals 4 and 6 as they affect the same lands:

The lands subject of Referral 16, located in part of Lot 22, Concession 4, Rideau Front, City of Gloucester, are designated General Rural Area. The owners requested this designation, together with the policies subject of Referrals 4 and 6 as they affect this land, be referred to the Board. The requests were withdrawn before the hearing began.

The Board after consideration approves the designation of the lands subject of Referral 16 as General Rural Area. The policies subject of Referrals 4 and 6 are approved without modification as they affect this land.

4. Referrals 23 and 24, together with Referrals 3 and 6 as they affect the land subject of Referral 23:

The lands subject of these referral requests, located in the Township of Goulbourn and the City of Kanata respectively, are designated as Agricultural Resource Areas on Schedule A. Counsel for the owner advised the Board during the hearing that the referral requests were withdrawn.

The Board, after consideration, approves the designation of the lands identified as #23 and #24 on Schedule A of the 1988 Regional Plan as Agricultural Resource Areas. The policies subject of Referrals 3 and 6, as they affect the lands identified as Referral 23, are approved without modification.

5. Referral 25:

These lands are located west of Highway 16 in Rideau Township and are designated Agricultural Resource Area. Counsel for the owner asked that Referral 25 be adjourned sine die pending the disposition of an application by the Minister of Transportation regarding an expropriation of lands. Counsel has also undertaken to advise the Board upon confirmation of the expropriation and to then withdraw the request for referral. The Board will accordingly defer consideration of Referral 25. Counsel for the referror should advise the Board regarding any resumption of consideration of this referral. This

panel is not seized.

6. Referral 26:

The land subject of Referral 26, located in the City of Nepean, is designated as Agricultural Resource Area. During the hearing, the Board was advised that the referral request was withdrawn.

The Board, after consideration, approves the designation of the lands now shown on Schedule A as #26 as an Agricultural Resource Area.

7. Referral 29:

The Board understands that Referral 29 comprises a technical means of modification of Schedule B should the occasion arise in the referral process. Only the disposition of Referral 15 has necessitated modification of Schedule B by the Board. Accordingly, the Board will not modify Schedule B as to the lands shown on Schedule A as #14, #16, #17, #18a, #20, #21, #22, #23 and 24. Referral #29 is deferred as to those lands contained in Referral 15 which are the subject of a referral under Board File O 900210.

8. Referral 34:

The land subject of this referral request is located in the Township of Goulbourn and designated General Rural Area. The referral related to the wording of Section 4.2.3.17 only as it affects this land. The owner subsequently withdrew the referral request.

The Board, upon consideration, now approves Section 4.2.3.17 of the Plan as it affects the lands identified as #34 on Schedule A.

B. Referral Requests withdrawn by consent accompanied by a request by the Regional Council for modification of the Plan in certain respects.

1. Community Shopping Centres Referral 10.

Counsel for the Region, together with counsel for the parties requesting the referral of the subject matter of Referral 10, addressed the Board as to a recommended modification to the Plan. Exhibit 129, being the minutes of the Regional Council dated October 24, 1990 was also filed, together with Exhibit 130, the requested modification for the Community Shopping Centres policy (Policy 7, Section 3.2.3.2. Part 3: The Urban Area). All parties support the now requested modification to the Plan.

The Board, after consideration will now modify the Plan by the deletion of the present Policy 7, Section 3.2.3.2 Part 3: The Urban Area, page 3-1 of the Plan, and its replacement with a new Policy 7, as follows:

> 7. Community Shopping Centres may only be permitted in areas designated Primary Employment Centre, Extensive Employment Area, General Urban Area on Schedule B or Secondary Employment Centre in local official plans, provided that:
>
> (a) Community Shopping Centres may only be permitted in each urban centre when a Regional Shopping Centre of at least 50,000 square metres of gross leasable area exists in the Town centre of the respective urban centre. This policy shall not preclude the development of a shopping centre of less than 50,000 square metres as a phase of a Regional shopping centre designated on Schedule B.

(b) the site has direct access to a Regional road or provincial highway and the adjacent road system can accommodate the anticipated traffic;

(c) an efficient all-day, high-frequency public transit service can be provided; and

(d) other Regional services can be provided adequately.

C. Withdrawn Referral Requests as to Amendment No. 60 to the Official Plan, Township of Goulbourn

Parties initiating Referrals 1, 3, 5, 6 and 8 as to parts of Amendment No. 60 of the Township of Goulbourn withdrew these requests for referral before or during the hearing.

The Board has now carefully reviewed those parts of Official Plan Amendment No. 60 of the Township of Goulbourn which were referred to it through Referrals 1, 3, 5, 6 and 8 in the context of the evidence presented at the hearing by Mr. Lindsay, the Director of Planning for the Township. On the basis of Mr. Lindsay's evidence, the Board is satisfied that those parts of Amendment No. 60 before it as a result of Referral Requests 1, 3, 5, 6, and 8 should now be approved without modification.

Accordingly, the Board:

(i) approves without modification the land use designation of lands identified as Referral 1 on Schedule "A" as Highway Commercial.

(ii) declines to modify as requested, and approves the text of Amendment No. 60 as to the lands identified as Referral 3 on Schedule "A".

(iii) approves without modification the land use designation of lands identified as Referral 5 on Schedule "A" as Residential.

(iv) approves without modification the land use designation of lands identified as Referral 6 on Schedule "A" as Residential.

(v) approves without modification the land use designation of lands identified as Referral 8 on Schedule "A" as Highway Commercial.

D. Appeals subsequently withdrawn as to By-law 45-88, Township of Goulbourn

Certain appeals as to By-law 45-88 were withdrawn before the hearing.

The Board's Order will provide that those appeals are dismissed.

E. Appeal of Allan Sharpley as to By-law 45-88

Allan Sharpley is the owner of property located on Hazeldean Road described as Part of Lot 25, Concession 11, Goulbourn Township. This property is occupied by a service station. Mr. Sharpley appealed By-law 45-88 as to the rezoning of the land from General Commercial (C) zone to a Highway Commercial (CH) zone. The hearing of Mr. Sharpley's appeal was scheduled for November 22, 1990 and he was duly advised of the date, time and place of hearing by staff for the Township. Mr. Sharpley did not appear at the hearing either on November 22 or subsequently. Further enquiries were made by staff at the request of the Board; no explanation for his absence was

provided.

The Board having received no further advice from Mr. Sharpley now dismisses his appeal regarding By-law 45-88.

F. Love Printing Ltd.

Counsel for the Township of Goulbourn and Love Printing Ltd. appeared before the Board on a consent matter involving a parcel of land in the northeast half of Lot 25 in the 12th Concession of the Township of Goulbourn. These lands are occupied by a printing establishment. By-law 45-88 now zones the land Highway Commercial (CH). As such, a printing establishment is not a permitted use. Both counsel requested the Board to amend By-law 45-88 on a site specific basis to permit a printing establishment as an additional use on the land. This amendment would be in conformity with the provisions of Amendment No. 60 and the 1988 Regional Plan.

The Board heard evidence from Mr. Lindsay, the Director of Planning for the Township of Goulbourn during the course of the hearing as to the content and purpose of Amendment No. 60 and By-law 45-88. The Board is satisfied, based on his evidence and the submissions of counsel for the appellant and the Township, that the requested amendment is appropriate. The Board requested a legal description of the property and that has now been provided by the Township in the form of a resolution which also adopts the requested amendment to By-law 45-88.

Accordingly, the Board will amend By-law 45-88 to permit a printing establishment as a permitted use on lands described as:

All that part of the northeast half of Lot 25, in the 12 Concession of the Township of Goulbourn, Regional

Municipality of Ottawa-Carleton designated as Part 4 on a Reference Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton No. 5 as Plan Number 5R-8053.

Together with a right-of-way over, along and upon all that part of the northeast half of Lot 25 in the 12 Concession of the said Township of Goulbourn designated as Part 3 on a Reference Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton No. 5 as Plan Number 5R-8053.

Together with a right-of-way over, along and upon all that part of the northeast half of Lot 25 in the 12 Concession of the said Township of Goulbourn, designated as Part 6 on a Reference plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton No. 5 as Plan Number 5R-8053.

G. Disposition of By-law 26-88, Township of Goulbourn

By-law 26-88 concerned with a change of land use classification of six lots (J. P. Chenier Subdivision) was also appealed to the Board. However, it was established at the outset of this portion of the hearing that By-law 26-88 had been enacted before By-law 29-88 which adopted Amendment No. 60 to the Township Official Plan with which it would have been in conformity. Another proposed official plan amendment identified as No. 59 was adopted prior to the enactment of By-law 26-88. However, that amendment was never approved and is not now before the Board. Nor is By-law 26-88 in conformity with the 1977 Official Plan. Accordingly, Section 24 of the Planning Act pertains and on November 26, 1988, the Board declined to deal with By-law 26-88. The Chairman of the panel also gave the following ruling at that time:

"the Board expects that the Township of Goulbourn will take the necessary steps to dispose of that By-law (By-law 26-88). If such action is not forthcoming before the conclusion of this hearing, expected some time in January, 1991, then the Board will reluctantly finalize the disposition of the By-law".

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The Township of Goulbourn Council, by resolution dated December 8, 1990, repealed By-law 26-88 and Amendment No. 59. That resolution has been presented to the Board. Accordingly, the Board sees no need for any further action in this matter.

12. **CONCLUSION**

The foregoing comprises the decision of the Board in this hearing as to referrals by the Minister of Municipal Affairs pursuant to Section 17(11) of the Planning Act, 1983 of several matters contained in the 1988 Regional Plan, and matters related thereto.

The Board may be spoken to if clarification of any determinations herein is necessary.

DATED at TORONTO this 5th day of June, 1991.

A. B. BALL
MEMBER

"M.E. Johnson"

M. E. JOHNSON
MEMBER

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MEMORANDUM OF DIRECTIONS FOR HEARING delivered by A. B. BALL and M. E. JOHNSON on September 25, 1990

The new Official Plan of the Regional Municipality of Ottawa-Carleton was approved with modifications by the Minister of Municipal Affairs on September 28, 1989 and December 19, 1989. However, a number of issues were referred to the Board by the Minister at the request of various parties.

This is a memorandum of directions for the hearing now to be held on the merits of the items in the Region's Official Plan which have been referred to the Board. These directions flow from determinations at the pre-hearing conference held on September 24 and 25, 1990.

The Board is also providing more explicit direction as to use of the Practice Direction discussed at the pre-hearing conference. As well, some procedures encouraged by the Board, such as the acceptance of qualifications of expert witnesses and leading of witnesses on non-controversial matters, are noted.

The hearing on the portions of the Plan before the Board will commence on Monday, November 5, at 11:00 o'clock in the forenoon in the Keefer Room, Heritage Building, Regional Municipality of Ottawa-Carleton Building, 111 Lisgar Street, Ottawa.

The Board has been advised that some items will not now be pursued by those parties who initially requested their referral to the Board. In some instances, this may constitute the withdrawal of all referral requests as to a portion or portions of the Plan now before the Board for determination. The Board will formally dispose of all abandoned referrals and, if appropriate, approve those

portions of the Plan so referred at the outset of the hearing. There are other instances where, although one party has now abandoned a request, other parties also requested that the same matter be referred and have not to date withdrawn their request or abandoned the referral. These items will accordingly be proceeding.

The pre-hearing conference was attended by parties represented by counsel or appearing on their own behalf or as representatives of community groups. Counsel for the Region filed an affidavit of service of the notice of the pre-hearing conference and the hearing as Exhibit 1.

On September 24, 1990, the Board heard extensive submissions from various counsel and ratepayers with respect to two motions.

A motion brought by counsel for Remer Holdings Ltd. sought production and discovery of documents.

A motion brought by counsel for the Regional Municipality of Ottawa-Carleton sought deferral of the hearing with respect to:

(a) the referrals by Remer Holdings Ltd. and Tanglewood Ottawa Ltd, and
(b) referrals numbered 8 and 9 with respect to the Carlingwood Shopping Centre.

The Board has carefully considered all of the submissions and has determined as follows:

(a) The Regional Municipality of Ottawa-Carleton is directed to produce all applicable documents which have been received by Regional Council or any of its Committees in a public forum.

Those documents are only before the Board pursuant to referrals numbered 4, 6, 15 and 17. Such production is to be effected not less than 10 days prior to the commencement of that part of the hearing with respect to those referrals. At the present time, the Board sees no need for examination for discovery, but if such a need arises the Board may be spoken to. The same direction will apply with respect to any similar requests by the Regional Municipality.

(b) The referrals by Remer Holdings Ltd. and Tanglewood Ottawa Ltd. are hereby set down for hearing commencing on January 21, 1991 at 11:00 o'clock in the forenoon.

(c) The Board is in receipt of a referral by Remer Holdings Corp. et al of Amendment No. 10 to the Official Plan for the City of Gloucester (O.M.B. File No. O 900137). This referral is related to Referral No. 7 of the Regional Official Plan, and will be consolidated for hearing purposes. The usual notice will be directed by the Board.

(d) The referrals numbered 8 and 9 with respect to the Carlingwood Shopping Centre are hereby set down for hearing commencing on May 6, 1991, at 11:00 o'clock in the forenoon. In setting that peremptory date, the Board recognizes that the various ratepayer associations may experience some element of hardship. However, based on its experience in such matters, the Board does not believe that the Regional Municipality of Ottawa-Carleton would be in a position to proceed properly at an earlier date.

Counsel for the Region also filed a comprehensive list of the referred items together with a proposed timetable for the hearing. The Board, after considerable discussion with those present has determined to deal with the referred items as follows. (The explanatory note to the notice of the hearing is attached as

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Schedule "A" in order to assist in ready identification of the subject matter of individual items. However, it is the responsibility of persons relying on this memorandum of direction to inform themselves fully as to the nature of the item and the referrals and any related issues that may be before the Board).

November 5-6, 1990 -	background and explanation of the Official Plan document
November 7, 1990 -	South Urban Centre (Referrals 1,2,5,6 and 28)
November 8-9, 1990 -	Agricultural Resource Areas, Kanata and Goulbourn (Referrals 11, 14, 23, 24)
November 12, 1990 -	Remembrance Day - no hearing will be held
November 13-16, 1990-	continuation of hearing as it deals with Referrals 11, 14, 23, and 24
November 19-20, 1990-	Community Shopping Centres (Referral 10)
November 21, 1990 -	Bell Construction Company Limited (Referral 34)
November 22-30, 1990-	Referrals 3, 6, 19, 20, 22 and OPA No. 60 of the Township of Goulbourn and Zoning By-law 45-80 The Board will add File No. R 890142, appeals by Keldine Fitzgerald, Gerry Kroll, Ray Bell and Grace Bell against Zoning By-law 26-88 of the Corporation of the Township of Goulbourn to the hearing of Official Plan Amendment 60 and By-law 45-80. Directions for notice with respect to By-law 26-88 will be issued.
December 3-21, 1990 -	Transportation items, (Referrals 30, 31, 32, 33)
December 24-28, 1990-	Holiday period
January 2-4, 1991 -	not designated for hearing sessions
January 7-11, 1991 -	Gloucester Equestrian Centre Limited (Referrals 13, 27, 35 and related matters as contained in Board files O 840138, O 840139, R 850146, S 860010)
January 14-15, 1991 -	Dr. Sinha and the Ministry of Agriculture and Food (Referral 12)

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January 16-18, 1991 - Set Construction Ltd. (Referral 26) and Hong Kuai Lee and Po-Jen Lee (Referral 25)

January 21-25, 1991 - Remer Holdings Corporation and Tanglewood Ottawa Ltd. (Referrals 4, 6, 15 and 17)

Members of the public may wish to make presentations at the hearing concerning any or all of the above items. In order to have the greatest benefit to the Board, this evidence should be heard at the time the issue to which it relates is under consideration. Accordingly, any person wishing to participate should be aware of the above schedule. Those persons who wish to make presentations who did not register that intention at the pre-hearing conference should now make their intention known by notifying the office of the Clerk of the Regional Municipality of Ottawa-Carleton in writing prior to Friday, October 26, 1990.

In response to a request received by the Board, the Clerk of the Region should add Mrs. Angie Todesco for the King Edward Avenue Task Force, to the list of those wishing to make representations for Referrals 30 and 33 (Vanier Parkway).

There may be slight alterations in the schedule during the course of the hearing. As well, some items may not occupy the entire time allocated. Any person involved in the hearing whether as counsel, party or witness, is responsible for knowing the progress of the hearing on individual items.

Mrs. M. Sinha, a party unrepresented by counsel as to Referrals 1, 2, 5, 6 and 28, asked if she will have an opportunity to cross-examine witnesses at the hearing. Parties unrepresented by counsel will be able to question other witnesses on their evidence.

The Board may provide guidance to persons as it deems necessary and desirable as to the framing of questions.

Mr. O'Brien and others raised the matter of the filing of "witness statements" in the context of the Board's Practice Direction noted below. Mr. O'Brien noted that Mr. Tunnacliffe, the Planning Commissioner for the Regional Municipality of Ottawa-Carleton will be the principal witness for the Region at the hearing on almost all items. In his view, it would be very difficult for Mr. Tunnacliffe to provide a witness statement for each of the matters upon which he would be testifying. However, reports could be filed in advance.

Mr. Lavigne requested a specific direction from the Board that witnesses called by the Region in respect to the Aircraft Noise policies provide reports in advance setting out the substance of their evidence and professional opinions to be presented at the hearing. Mr. Lavigne considers it is important to the conduct of his case that the opinions to be given by these witnesses be available in advance of the hearing.

The Board's Practice Direction regarding the pre-filing of expert witness qualifications, together with a report or memorandum setting out the substance of his or her evidence not later than 10 days before the commencement of the hearing was discussed by the Board and counsel. The Direction, which is attached as Schedule "B" to this memorandum of directions is intended to ensure hearings proceed expeditiously, effectively and in a fair manner to all participants.

As noted in the Direction, leave of the Board may be requested should an expert witness be unable to comply with the Direction and the Board would expect to hear from counsel should a witness, for

good reason, be unable to provide a memorandum or report as to the substance of his or her evidence at least 10 days in advance of the hearing. Unless leave is requested and granted, the Board expects that such a report will be filed in accordance with the Practice Direction and that it will contain the substance of evidence to be presented by the witness. The Board wishes all participants to be treated fairly as to the requirement that such reports setting out the substance of proposed evidence be provided at least 10 days in advance of the hearing.

To avoid confusion, the Board notes that for purposes of this hearing, the 10 day period will be taken to mean 10 days before the commencement of the portion of the hearing for which the evidence will be called.

The Board understands the ongoing role Mr. Tunnacliffe will take at the hearing. At the same time, it is probable the evidence which this witness will give is already in the form of reports and documents which can be filed in fulfillment of the Practice Direction. Should it be necessary, Mr. O'Brien may speak to the Board at the commencement of the hearing as to the fulfillment of the Practice Direction in regard to the evidence of Mr. Tunnacliffe.

If the Practice Direction as discussed above is adhered to, the Board anticipates that the expert witness reports requested by Mr. Lavigne would be available at least 10 days before the commencement of the portion of the hearing concerned with airport noise if the witnesses in question are to be called. It is expected in all cases that a report setting out the substance of an expert witness' proposed evidence would contain any opinion evidence that witness would provide at the hearing.

The Board also notes the following procedures for the assistance of the participants:

(i) A witness following the witness who is testifying should be available in the hearing room ready to take the stand immediately on the completion of the testimony of the prior witness.

(ii) All expert witnesses are to be identified no less than 10 days before the portion of the hearing in which their evidence would be called and their qualifications will be filed as set out in the Practice Direction. The qualifications of an expert witness, unless challenged by another party or the Board at the commencement of his or her evidence, will be filed as an exhibit and the witness will be placed under oath or affirmed and accepted as an expert witness in the matters to which the qualifications pertain.

(iii) Leading of witnesses by counsel as to matters not in dispute is encouraged by the Board.

Mr. Kelly advised the Board that Referral 21, having to do with lands in the Township of Goulbourn, may be before the Board at the hearing. He will advise the Board further if such is to be the case. The scheduling of Referral 21, should it proceed, will be discussed at the outset of the hearing on November 5, 1990.

The Board notes for the record that Mr. J. O'Toole attended at the hearing to advise that he no longer represents Remer Holdings in this matter and that Mr. J. King will appear at the hearing as counsel for Remer Holdings.

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The Board may be spoken to at the outset of the hearing if any clarification is necessary as to the above matters.

A. B. BALL
MEMBER

M. E. JOHNSON
MEMBER

Ontario

O 900022

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

SCHEDULE "A"

EXPLANATORY NOTE

The Ministry of Municipal Affairs approved the Official Plan of the Regional Municipality of Ottawa-Carleton on September 28, 1989, except for certain portions which were referred to the Ontario Municipal Board for a public hearing. The following Sections of the Official Plan have been objected to and will be dealt with at the hearing. Also included in the hearing are other Local Official Plan Amendments and zoning by-laws dealing with some of the same objections to the Regional Official Plan generally described below.

1) Regional Development Strategy

South Urban Centre

- objection to the Regional Development Strategy which includes the South Urban Centre as one of the three urban centres designated in the Regional Plan (Sections 2.1.3, 2.1.4, 2.1.6, 2.2 – policies 3 and 5), because it is argued that the concept of the South Urban Centre has never been subject to public participation as required by the Planning Act (Minister's Referral No. 1, 2, 3, 6, 28a, 28b)

- objection to the expansion of the South Urban Centre south of the Jock River in Nepean (Sections 2.1.3, 2.1.4, 2.1.6, 2.2 – policies 3 and 5, Schedules A and B). It is proposed that no development south of the Jock River should be approved until such time as the development north, east and west of the Jock River and Barrhaven is complete. (Minister's Referral No. 1, 2, 3, 6, 28a, 28b)

Leitrim

- objection that certain lands in Gloucester, namely Lots 21 and 22, Concession 4; Lot 22, Concession 5, and Lots 17 and 18, Concession 5, were not included in the Leitrim Urban Area (Section 2.2 – policy 1.1) and 5, Schedules A and B, because these lands are also suitable for urban development (Minister's Referral No. 4, 6, 15, 16, 17, 18a, 18b)

- objection that Council will not incur costs for the construction of watermains, sewers, roads or transitways relating to development in Leitrim (Section 2.2 – policy 9). It is argued that there is no valid reason for Council not to incur these costs. (Minister's Referral No. 7)

Stittsville

- objection to the inclusion of Lot 22, Concession 10 and 11, Goulbourn, in the Stittsville Urban Area, and the exclusion of Part Lot 25, Concessions 9 and 10, from the urban area (Section 2.2 – policy 1.1, Section 2.2 – policy 5, Schedules A and B). It is argued that development to the east (Lot 25) would be more efficient from a transportation and servicing point of view than development in the west (Lot 22). (Minister's Referral No. 3, 6, 19a, 19b, 20) This includes referral of Amendment 60 to the Goulbourn Official Plan and appeals against Zoning By-law 45-88 of Goulbourn.

- objection to the exclusion of Lot 25, Concession 10, Goulbourn, from the Stittsville Urban Area (Section 2.2 – policy 1.1, Schedules A and B). It is argued that including this land in the urban area will provide effective and efficient utilization of pipe services so as to minimize the cost to the public in general of developing residential land. (Minister's Referral No. 3, 6, 21, 22)

2) Extensive Employment Areas

- objection to the designation of Lots 16 and 17, Concession 3, Gloucester, as Extensive Employment Area (Schedule B). It is argued that this land should not have been designated until the OMB made a decision on the policies for aircraft noise. (Minister's Referral No. 27)

3) Regional Shopping Centres

- objection to the size limitation of Carlingwood Shopping Centre being "under study" (Section 3.2.3.1. – policy 3). It is proposed that the size of Carlingwood should be limited to the existing size of the shopping centre. (Minister's Referral No. 8)

- objection to the policy requiring Regional Shopping Centres to be adjacent to an existing or proposed transitway station (Section 3.2.3.1. – policy 2b). It is requested that Regional Shopping Centres be required to be adjacent to an existing or proposed transitway station or transitway terminal. (Minister's Referral No. 9)

4) Community Shopping Centres

- objection to the policy that community shopping centres should only be permitted in each urban centre when a Regional Shopping Centre of at least 50,000 square metres of gross leasable area exists in the town centre of the respective urban centre (Section 3.2.3.2 – policy 7). It is requested that the policy be modified to require that community shopping centres may only be permitted in Kanata, Stittsville and Bells Corners when a Regional Shopping Centre of at least 50,000 square metres of gross leasable area exists in the Kanata Town Centre. (Ministers Referral No. 10)

5) Country Lot Development Policies

- objection to the policy that country lot development shall not be approved on lands where it would occupy the only possibility of expansion of the urban area (Section 4.2.3. – policy 17). It is requested that the policy be modified to state that country lot development shall not be approved on land where it would occupy the only planned possibility of expansion of the urban area. (Minister's Referral No. 34)

6) Agricultural Resource Areas

- objection to the designation of Lots 28 and 29, Concession 11, Goulbourn, as Agricultural Resource Area (Schedule A) because these lands are more appropriate for urban growth (Minister's Referral No. 3, 6, 23, 24)

- objection to the designation of all land designated Agricultural Resource Area in the City of Kanata (Schedule A). It is requested that the designation be changed to General Rural Area. (Minister's Referral No. 34a, b, c) This includes referral of proposed Amendment 29 to the Kanata Official Plan.

- objection to the Agricultural Resource Area design for Lot 4, Concession 1, North Gower, and Lot 2 Concession 5-Rideau Front, Nepean, (Schedule A) because the site is not viable for agriculture and it suggested that a special type commercial use is mor appropriate for this property (Minister's Referral No. 25)

- objection to the Agricultural Resource Area design for Lot 20, Concession 5 Rideau Front, Nepean, (Schedule A) because the site is not viable for agriculture and it is suggested that commercial development for the property would be more appropriate. (Minister's Referral No. 26)

- objection to the policies for farm severances in the Agricultural Resource Area, within the City of Ka (Section 5.1.3.2). It is requested that in Kanata the policies for Agricultural Resource Area be amende that severance policies would be in accordance wit those permitted in Agricultural Resource Area in th Kanata Official Plan. (Minister's Referral No. 11)

- objection to the policy that allows for the designatio land for non-farm residential purposes in areas of p land within the Agricultural Resource Area designa (Section 5.1.3.3) because the policy would appear t allow 'spot' redesignations within the Agricultural designation without any regard to or consideration o the remaining agricultural lands within the local municipality (Minister's Referral No. 12)

- objection to the policies for areas of poor land in Agricultural Resource Areas (Section 5.1.3.3). It is requested that light industry, industrial parks and c residential be permitted on poor pockets. (Minister's Referral No. 12)

7) Aircraft Noise

- objection to the policies on Aircraft Noise (Section 7.2.3 and Schedule G) because it is argued that the policies do not reflect current and future conditions falsely show lot 16 and 17, Concession 3, as being subject to unacceptable noise (Minister's Referral No. 13, 35) This includes referral of Amendments 36 and 37 to prior Regional Official Plan and referral of a propo plan of subdivision on Part Lot 16, Concession 3, of Gloucester.

8) Transportation

- objection to the extension of the Vanier Parkway (Schedules C1 and C2). It is requested that the extension of the Vanier Parkway be deleted from th Plan because it is not needed and will be detrimenta the area. (Minister's Referral No. 30, 32)

- objection to the Alta Vista Parkway, the Queensway Collector – Distributor System and the new bridge crossing the Rideau River connecting Industrial Ave to Nicholas Street (Schedules C1 and C2). It is requested that these roads be deleted from Schedu and C2 because there is no rationale for them. (Minister's Referral No. 31, 33)

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

O 900022

SCHEDULE "B"

PRACTICE DIRECTION:

Due to the anticipated length of this hearing, the Board directs that any person who intends to call an expert witness at this hearing shall, not less than ten (10) days before the commencement of the hearing, file with the Board and with the Clerk of the municipality and serve on all known participants a report or memorandum signed by the expert setting out his or her name, address and qualifications and the substance of his or her proposed evidence. Unless this direction has been complied with, no expert witness may testify at this hearing except with leave of the Board. Once filed, the report or memorandum will be available for inspection by any interested person prior to the hearing.

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O 840139	O 900022
R 850146	O 900100
S 860010	O 910032
R 890053	R 910120

AMENDING MEMORANDUM OF DIRECTIONS FOR HEARING delivered by A. B. BALL and M. E. JOHNSON on September 25, 1990

The Board has determined that due to the recent referral of proposed Amendment 4 to the Official Plan for the Regional Municipality of Ottawa-Carleton and the receipt of appeals with respect to By-law 10-91 of the City of Ottawa, it is necessary to amend the directions given on page 12, Item D of the Board's Memorandum of Directions delivered September 25, 1990.

Therefore, the Board's hearing originally scheduled for May 6, 1991 has now been rescheduled to **Monday, June 10, 1991 at 11:00 a.m.** in the **Keefer Room, Second Floor, Heritage Building, Ottawa-Carleton Centre, Cartier Square, Lisgar Street, Ottawa,** for a period of five weeks to deal with Referrals 8 and 9 and the referral of proposed Amendment 4 and By-law 10-91.

All other directions given for hearing will remain in effect as stated in the September 25, 1990 Memorandum of Directions.

"A.B. Ball"

A. B. BALL
MEMBER

"M.E. Johnson"

M. E. JOHNSON
MEMBER

APPENDIX B

C O U N S E L :

James L. O'Brien and Timothy Marc	- for	Regional Municipality of Ottawa-Carleton
J.R. Boxma Alan K. Cohen and B.S. Onyschuk, Q.C.	- for	Trilea Centres Inc. Bramalea Limited Investors Group Trust Company Inc. Sears Canada Inc. (Referrals 8 and 9)
Alan K. Cohen	- for	867718 Ontario Limited
Marianne Orr D.E. Dougall and D. Wayne Fairbrother	- for	Ontario Ministry of Agriculture and Food (Referrals 3, 6, 23, 24, 14(a), (b), (c), 25, 26, 11 and 12)
J. Peter Vice, Q.C.	- for	Township of Cumberland (Referrals 30, 31, 32, 33) Heart's Desire Inc. (Referrals 13, 27 and 35)
		Arnell Goldberg and John Matheu (Referrals 7 and 18) (O 900137)
and Lynda Bordeleau (Student-at-Law)	- for	Armbro Materials and Construction Ltd.
S.B. Stein	- for	Garth Aselford Developments Ltd., J. Walton Martin Development Limited and Monarch Construction Limited (Referrals 1, 2, 5, 6 and 28)
L.F. Longo	- for	Tartan Developments Corporation Famlit Holdings Limited Leitrim Properties Ltd. (Referrals 4, 6, 7, 15-18 and File O 900137)
J. Jerald Bellomo	- for	City of Ottawa (Referrals 8 and 9)
M. Minkowski	- for	City of Gloucester (Referrals 4, 6, 7, 15-18 and O 900137, Referrals 13, 15, 27, and 3, 31, 32 and 33)
J. King	- for	Remer Holdings Ltd. (Referrals 15, 4, 6, 7)
S. Mender	- for	Tanglewood Ottawa Ltd. (Referral 17)

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D. Kelly (and Frederick Cogan on the transportation link)	- for	Urbandale Realty Corporation Ridgecraft Homes Limited (Referrals 1, 2, 5, 6, 28A, 28B, 30 and 33) Campeau Corporation (Referral 10) W. Davidson K. Gibson (Referrals 3, 6, 19, 20, 22 and O.P.A. No. 60, Township of Goulbourn) Hong Kuai Lee (Referral 25)
and G. Guzzo	- for	Shenkman Corporation
L. Townsend	- for	Douglas Development Corporation Wedgwood Building Corporation Red Moss Development Corporation Queenswood Land Associates Limited Minto Developments Inc. Tamarack Developments Inc. Urbandale Realty Corporation George Swaita (Referrals 30, 31, 32, 33) Set Construction Ltd. (Referral 26)
R. Makuch	- for	652608 Ontario Ltd. (Referrals 3, 6, 19, 20 and 22) Tridel Corporation (Referrals 23, 24)
D. Silverson	- for	City of Kanata (Referrals 10, 11, 14, 23 and 24)
S. Shinder	- for	Ottawa East Community Association (Referrals 31 and 33)
P. Lavigne	- for	Gloucester Equestrian Centre Ltd. (Referrals 13, 27 and 35) (and R 850146, O 840138, O 840139, S 860010)
David W. Scott, Q.C. G. Hunter and Laurie Joe	- for	New Edinburgh Community Alliance Inc. (Referral 30)

P. Webber and James McIninch	- for	City of Nepean (Referrals 1, 2, 5, 6, 28, 26) Township of Goulbourn (Referrals 23, 24, 3, 6, 19, 20, 22, 34 and O.P.A. No. 60 Township of Goulbourn and Zoning By-law 45-88)
K. Murchison	- for	J.R. Bell 519441 Ontario Ltd. (Referrals 34, 19 and O.P.A. No. 60, Township of Goulbourn and Zoning by-law 45-88)
W.T. Green	- for	M. Holitzner Limited 561650 Ontario Ltd. (Referrals 23, 24, 3, 6, 19, 20, 22, 24 and O.P.A. No. 60 Township of Goulbourn and Zoning By-law 45-88)
R. Boivin	- for	Fred Spearman (O.P.A. No. 60 and Zoning By-law 45-88)
D. Vickers	- for	Ministry of Natural Resources (Referrals 15, 16, 4, 6 and 7)
R. D. Lunau	- for	Love Printing Ltd.

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APPENDIX C

GROUPS:

Dr. B. Wellar	- for	Carling Action Committee Incorporated (Referrals 8 and 9)
A. Cullen	- for	Glabar Park Community Association Incorporated (Referrals 8 and 9)
M. Inman	- for	Canterbury Community Association
M. Burrill	- for	Sheffield Glen Association
L. Pitney	- for	National Environmental Committee
R. Glosh	- for	Hunt Club Park Community Association
J. Berlin	- for	Alta Vista Community Association
Michael Murphy	- for	Gloucester Wetlands Action Committee

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APPENDIX D

I N D I V I D U A L S :

A. Gregory	-	for	(Referrals 8 and 9)
Dr. R. Sinha	-	for	(Referrals 1, 2, 5, 6 and 28A and B)
Mrs. M. Sinha	-	for	(Referrals 1, 2, 5, 6 and 28A and B)
P. Laughton	-	for	(Referrals 8 and 9)
J. Blatherwick	-	for	(Referrals 8 and 9)